

# Washington State Register

**March 3, 2004**

**OLYMPIA, WASHINGTON**

**ISSUE 04-05**



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## CITATION

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

## PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the code reviser's office, pursuant to chapter 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 (360) 786-6697.

## REPUBLICATION OF OFFICIAL DOCUMENTS

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

## CERTIFICATE

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

DENNIS W. COOPER  
Code Reviser

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### STATE MAXIMUM INTEREST RATE

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

The maximum allowable interest rate applicable for the month of March 2004 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.

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# WASHINGTON STATE REGISTER

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#### 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.

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# STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

## 1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following eight sections:

- (a) **PREPROPOSAL**-includes the Preproposal Statement of Inquiry 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) **EXPEDITED RULE MAKING**-includes the full text of the rule being proposed using the expedited rule-making process. Expedited rule makings are not consistently filed and may not appear in every issue of the register.
- (d) **PERMANENT**-includes the full text of permanently adopted rules.
- (e) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (f) **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.
- (g) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (h) **INDEX**-includes a cumulative index of Register Issues 01 through 24.

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. Each filing is listed under the agency name and then describes the subject matter, type of filing and the WSR number. 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 ((fined 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].

2003-2004

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue Number	Closing Dates <sup>1</sup>			Distribution Date	First Agency Hearing Date <sup>3</sup>	Expedited Adoption <sup>4</sup>
	Non-OTS and 30 p. or more	Non-OTS and 11 to 29 p.	OTS <sup>2</sup> or 10 p. max. Non-OTS			
<i>For Inclusion in -</i>	<i>File no later than 12:00 noon -</i>			<i>Count 20 days from -</i>	<i>For hearing on or after</i>	<i>First Agency Adoption Date</i>
03 - 17	Jul 23, 03	Aug 6, 03	Aug 20, 03	Sep 3, 03	Sep 23, 03	Oct 21, 03
03 - 18	Aug 6, 03	Aug 20, 03	Sep 3, 03	Sep 17, 03	Oct 7, 03	Nov 4, 03
03 - 19	Aug 20, 03	Sep 3, 03	Sep 17, 03	Oct 1, 03	Oct 21, 03	Nov 18, 03
03 - 20	Sep 3, 03	Sep 17, 03	Oct 1, 03	Oct 15, 03	Nov 4, 03	Dec 2, 03
03 - 21	Sep 24, 03	Oct 8, 03	Oct 22, 03	Nov 5, 03	Nov 25, 03	Dec 23, 03
03 - 22	Oct 8, 03	Oct 22, 03	Nov 5, 03	Nov 19, 03	Dec 9, 03	Jan 6, 04
03 - 23	Oct 22, 03	Nov 5, 03	Nov 19, 03	Dec 3, 03	Dec 23, 03	Jan 20, 04
03 - 24	Nov 5, 03	Nov 19, 03	Dec 3, 03	Dec 17, 03	Jan 6, 04	Feb 3, 04
04 - 01	Nov 26, 03	Dec 10, 03	Dec 24, 03	Jan 7, 04	Jan 27, 04	Feb 24, 04
04 - 02	Dec 10, 03	Dec 24, 03	Jan 7, 04	Jan 21, 04	Feb 10, 04	Mar 9, 04
04 - 03	Dec 24, 03	Jan 7, 04	Jan 21, 04	Feb 4, 04	Feb 24, 04	Mar 23, 04
04 - 04	Jan 7, 04	Jan 21, 04	Feb 4, 04	Feb 18, 04	Mar 9, 04	Apr 6, 04
04 - 05	Jan 21, 04	Feb 4, 04	Feb 18, 04	Mar 3, 04	Mar 23, 04	Apr 20, 04
04 - 06	Feb 4, 04	Feb 18, 04	Mar 3, 04	Mar 17, 04	Apr 6, 04	May 4, 04
04 - 07	Feb 25, 04	Mar 10, 04	Mar 24, 04	Apr 7, 04	Apr 27, 04	May 25, 04
04 - 08	Mar 10, 04	Mar 24, 04	Apr 7, 04	Apr 21, 04	May 11, 04	Jun 8, 04
04 - 09	Mar 24, 04	Apr 7, 04	Apr 21, 04	May 5, 04	May 25, 04	Jun 22, 04
04 - 10	Apr 7, 04	Apr 21, 04	May 5, 04	May 19, 04	Jun 8, 04	Jul 6, 04
04 - 11	Apr 21, 04	May 5, 04	May 19, 04	Jun 2, 04	Jun 22, 04	Jul 20, 04
04 - 12	May 5, 04	May 19, 04	Jun 2, 04	Jun 16, 04	Jul 6, 04	Aug 3, 04
04 - 13	May 26, 04	Jun 9, 04	Jun 23, 04	Jul 7, 04	Jul 27, 04	Aug 24, 04
04 - 14	Jun 9, 04	Jun 23, 04	Jul 7, 04	Jul 21, 04	Aug 10, 04	Sep 7, 04
04 - 15	Jun 23, 04	Jul 7, 04	Jul 21, 04	Aug 4, 04	Aug 24, 04	Sep 21, 04
04 - 16	Jul 7, 04	Jul 21, 04	Aug 4, 04	Aug 18, 04	Sep 7, 04	Oct 5, 04
04 - 17	Jul 21, 04	Aug 4, 04	Aug 18, 04	Sep 1, 04	Sep 21, 04	Oct 19, 04
04 - 18	Aug 4, 04	Aug 18, 04	Sep 1, 04	Sep 15, 04	Oct 5, 04	Nov 2, 04
04 - 19	Aug 25, 04	Sep 8, 04	Sep 22, 04	Oct 6, 04	Oct 26, 04	Nov 23, 04
04 - 20	Sep 8, 04	Sep 22, 04	Oct 6, 04	Oct 20, 04	Nov 9, 04	Dec 7, 04
04 - 21	Sep 22, 04	Oct 6, 04	Oct 20, 04	Nov 3, 04	Nov 23, 04	Dec 21, 04
04 - 22	Oct 6, 04	Oct 20, 04	Nov 3, 04	Nov 17, 04	Dec 7, 04	Jan 4, 05
04 - 23	Oct 20, 04	Nov 3, 04	Nov 17, 04	Dec 1, 04	Dec 21, 04	Jan 18, 05
04 - 24	Nov 3, 04	Nov 17, 04	Dec 1, 04	Dec 15, 04	Jan 4, 05	Feb 1, 05

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

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

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

<sup>4</sup> A minimum of forty-five days is required between the distribution date of the Register giving notice of the expedited adoption and the agency adoption date. No hearing is required, but the public may file written objections. See RCW 34.05.230 and 1.12.040.

## **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.



**WSR 04-05-019**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed February 10, 2004, 10:30 a.m.]

Subject of Possible Rule Making: Oiled wildlife care standards: Rehabilitation requirements for birds.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 90.56.110 and 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The success of oiled bird rehabilitation activities is dependent on the standards of care provided. Some of the key elements critical to successful rehabilitation include the availability of adequate quantities and qualities of water, space, air and specialized supplies. For oiled bird rehabilitation operations to be most successful, these critical components must be available in a timely manner and in quantities commensurate with the numbers of birds oiled. Rules reflecting the necessary thresholds of these critical components are needed. Standards developed in rule that are based on the best available science will provide the guidance necessary to ensure a significantly greater level of success when engaging in oiled bird rehabilitation activities.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington Department of Ecology (DOE) is responsible for the state's "Oil and Hazardous Substance Spill Prevention and Response Program," per chapter 90.56 RCW. This statute does not stipulate specific requirements for oiled bird rehabilitation, but the Department of Ecology's contingency plan rules require contingency plan holders to meet the requirements of rules that may be adopted by the Washington Department of Fish and Wildlife (WDFW).

The United States Fish and Wildlife Services (USFWS) has authority to issue federal permits for the rehabilitation of birds, and special permits for taking and rehabilitating oiled birds. The WDFW has included the DOE and the USFWS as stakeholders in this rule-making process.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. WDFW will solicit input by holding a public meeting, a public hearing, and by use of e-mail, voicemail, or other avenues of information dissemination. Three stakeholder workshops have been held prior to the filing of this CR-101. WDFW will be following the standard rule-making process as required by the Administrative Procedure Act and the Regulatory Fairness Act. WDFW is actively soliciting science-based information which will refute or support proposed bird rehabilitation care standards and will review all information received when developing these standards. An initial CR-101 on this subject was filed in July of 2003. This CR-101 updates the original CR-101 and reflects the intent of WDFW's current rule-making proposal.

For more information contact Eric Larsen, Oil Spill Section Manager, Washington Department of Fish and Wildlife, Habitat Program, 600 Capitol Way North, Olympia, WA 98501, phone (360) 902-8123, fax (360) 902-8126, larseeml

@dfw.wa.gov. Expected proposal filing on or after March 19, 2004.

February 10, 2004  
 Evan Jacoby  
 Rules Coordinator

**WSR 04-05-021**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**TACOMA COMMUNITY COLLEGE**

[Filed February 10, 2004, 1:19 p.m.]

Subject of Possible Rule Making: Hazing policy.

Statutes Authorizing the Agency to Adopt Rules on this Subject: SSB 5075 passed by the 1993 legislature.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revisions to existing policy, chapter 132V-130 WAC.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dr. April Retherford, Acting Associate Vice President for Student Services, Tacoma Community College, 6501 South 19th Street, Tacoma, WA 98466, phone (253) 566-5115, fax (253) 566-6034, e-mail aretherf@tcc.ctc.edu.

February 9, 2004  
 April L. Retherford  
 Acting Associate Vice President  
 for Student Services

**WSR 04-05-022**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**TACOMA COMMUNITY COLLEGE**

[Filed February 10, 2004, 1:20 p.m.]

Subject of Possible Rule Making: Code of student rights and responsibilities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140(13).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revisions to existing policy, chapter 132V-120 WAC.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dr. April Retherford, Acting Associate Vice President for Student Services, Tacoma Community College, 6501 South 19th Street, Tacoma, WA 98466, phone

(253) 566-5115, fax (253) 566-6034, e-mail aretherf@tcc.ctc.edu.

February 9, 2004

April L. Retherford

Acting Associate Vice President  
for Student Services

**WSR 04-05-034**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Economic Services Administration)**

[Filed February 11, 2004, 3:57 p.m.]

Subject of Possible Rule Making: WAC 388-450-0100 Allocating income—Definitions, the Division of Employment and Assistance Programs is amending this section to clarify the rule regarding definitions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The amended rule is to clarify the rule regarding definitions.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file the proposed rule with the Office of the Code Reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Patti Clark, Program Manager, Division of Employment and Assistance Programs, Lacey Government Center, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 413-3084, fax (360) 413-3493, e-mail clarkpj@dshs.wa.gov.

February 10, 2004

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**WSR 04-05-040**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Filed February 12, 2004, 10:38 a.m.]

Subject of Possible Rule Making: 2003 federal groundfish buy-back rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 174, Laws of 2003, and RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is to set a reimbursement rate that will fund the license buy-back.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: NOAA fisheries is administering the program and will coordinate the Washington Department of Fish and Wildlife efforts for implementation.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jim Lux, Business Services Program, Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1076, phone (360) 902-2444. Contact by April 1, 2004. Expected proposal filing April 2, 2004.

February 12, 2004

Evan Jacoby

Rules Coordinator

**WSR 04-05-064**

**PREPROPOSAL STATEMENT OF INQUIRY  
CRIMINAL JUSTICE  
TRAINING COMMISSION**

[Filed February 17, 2004, 10:55 a.m.]

Subject of Possible Rule Making: WAC 139-05-915 Requirements of training for law enforcement and corrections dog handlers and certification of canine teams.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The change is being made to clarify the standards that must be met for a canine team to become certified.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sharon M. Tolton, Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148-2055, phone (206) 835-7345, fax (206) 439-3860. Stakeholders were contacted by e-mail to advise of the intended rule amendments. Proposal also listed on the agency website.

February 11, 2004

Sharon M. Tolton  
Deputy Director

**WSR 04-05-067**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Filed February 17, 2004, 11:20 a.m.]

Subject of Possible Rule Making: Import and transfer of shellfish.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.



Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Current import and transfer of shellfish rules apply primarily to aquaculture. These rules are inadequate to prevent import of potentially infectious shellfish through other means, primarily the pet and bait trades. Permit requirements will be reviewed to expand permit requirements, while allowing shellfish for human consumption to be imported under current rules.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lew Atkins, Fish Program, Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1076, phone (360) 902-2651. Contact by April 1, 2004. Expected proposal filing on or after April 2, 2004.

February 17, 2004

Evan Jacoby

Rules Coordinator

#### WSR 04-05-070

#### PREPROPOSAL STATEMENT OF INQUIRY PUBLIC DISCLOSURE COMMISSION

[Filed February 17, 2004, 11:49 a.m.]

Subject of Possible Rule Making: Title 390 WAC, Rules relating to expenditures—Promises to pay and enforcement—Citizen complaint.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.370(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Public Disclosure Commission will consider rule amendments to clarify and provide guidance for filers on the reporting of expenditures—Promises to pay.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: At its meeting on February 24, 2004, the commission is expected to discuss whether to move forward with amended rules covering expenditures. Public comment will be welcome at this meeting.

Interested persons are invited to submit written comments by May 24, 2004, to Susan Harris, PDC, P.O. Box 40908, Olympia, WA 98504-0908. Written comments received by Monday, May 17, 2004, will be provided to commissioners in advance of the meeting.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Assistant Director Susan Harris at Washington State Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, (360) 664-2735, 1-877-

601-2828 (toll-free), e-mail sharris@pdc.wa.gov. A public hearing on these matters may occur on May 25, 2004.

February 17, 2004

Vicki Rippie

Executive Director

#### WSR 04-05-073

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed February 17, 2004, 1:50 p.m.]

Subject of Possible Rule Making: Chapter 296-62 WAC, General occupational health standards and chapter 296-65 WAC, Asbestos removal and encapsulation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, 49.17.040, and 49.17.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WISHA is proposing to rewrite and clarify requirements relating to the asbestos standard. This rule making is part of our long-term goal to rewrite our general occupational safety and health rules. This proposal will move all asbestos requirements from chapter 296-62 WAC, General occupational health standards, and chapter 296-65 WAC, Asbestos removal and encapsulation, and place them in two new chapters.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state or federal agencies (other than OSHA) are known that regulate this subject.

Process for Developing New Rule: Parties interested in the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kimberly Johnson, Department of Labor and Industries, WISHA Services Division, P.O. Box 44620, Olympia, WA 98504-4620, phone (360) 902-5008, fax (360) 902-5529.

February 17, 2004

Paul Trause

Director

#### WSR 04-05-074

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed February 17, 2004, 1:51 p.m.]

Subject of Possible Rule Making: Chapter 296-24 WAC, General safety and health standards and chapter 296-155 WAC, Safety standards for construction work.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, 49.17.040, and 49.17.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WISHA is proposing to rewrite and clarify requirements relating to the rigging standard. This rule making is part of our long-term goal to rewrite our general occupational safety and health rules. We will also update references to these rules throughout the rest of WISHA's standards. This proposal will move all rigging requirements relating to general industries from chapter 296-24 WAC, General safety and health [standards], and place them in a new chapter.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state or federal agencies (other than OSHA) are known that regulate this subject.

Process for Developing New Rule: Parties interested in the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kimberly Johnson, Department of Labor and Industries, WISHA Services Division, P.O. Box 44620, Olympia, WA 98504-4620, phone (360) 902-5008, fax (360) 902-5529.

February 17, 2004  
Paul Trause  
Director

**WSR 04-05-077**

**PREPROPOSAL STATEMENT OF INQUIRY  
GAMBLING COMMISSION**

[Filed February 17, 2004, 2:47 p.m.]

Subject of Possible Rule Making: Card rooms.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070 and 9.46.0282.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Regulating the use of logo cards in card games.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; or Robert Berg, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3449; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466.

Meeting Dates and Locations: On March 12, 2004, at the Red Lion, 2300 Evergreen Park Drive, Olympia, WA

98502, (360) 943-4000; on April 9, 2004, at the Phoenix Inn Suites, 415 Capitol Way North, Olympia, WA 98501, (360) 570-0555; and on May 14, 2004, at the Red Lion Hotel at the Park, 303 West North River Drive, Spokane, WA 99201, (509) 326-8000.

February 13, 2004  
Susan Arland  
Rules Coordinator

**WSR 04-05-085**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Health and Rehabilitative Services Administration)

[Filed February 17, 2004, 4:44 p.m.]

Subject of Possible Rule Making: WAC 388-865-0335 Consumer enrollment and 388-865-0340 Consumer disenrollment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71.24.035.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Mental Health Division (MHD) is amending WAC 388-865-0335 to modify provisions for enrollment; MHD is repealing WAC 388-865-0340, to be consistent with the provisions of the 1915(b) waiver from the federal funding source for Medicaid recipients.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Center for Medicaid and Medicare Services (CMS) is the federal funding source for Medicaid recipients of mental health and other services. These WACs are being modified or repealed as a result of changes in federal level authorization to conduct mental health services.

Process for Developing New Rule: A representative of regional support networks (RSNs) and ombudsman stakeholders are participants in the process of drafting language as coordinated by MHD. At a later date, the department will file a proposed rule for publication in the state register, invite public comments and hold a public hearing. The proposal will be sent to everyone on the mailing list to receive rule-making notices on this subject, and to anyone who requests the proposal. If you want to be added to the mailing list, or want information about the development of this rule, please contact the person listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting C. H. Hank Balderrama, Mental Health Division, P.O. Box 445320, Olympia, WA 98504, voice (360) 902-0820, fax (360) 902-7691, e-mail baldech@DSHS.wa.gov.

February 13, 2004  
Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**WSR 04-05-085A**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Medical Assistance Administration)

[Filed February 17, 2004, 4:44 p.m.]

Subject of Possible Rule Making: WAC 388-550-3100  
Calculating DRG relative weights.

Statutes Authorizing the Agency to Adopt Rules on this  
Subject: RCW 74.04.050, 74.08.090.

Reasons Why Rules on this Subject may be Needed and  
What They Might Accomplish: To allow the department to  
use a broader database for calculating relative weights for the  
diagnostic-related group (DRG) formula.

Other Federal and State Agencies that Regulate this Sub-  
ject and the Process Coordinating the Rule with These Agen-  
cies: None.

Process for Developing New Rule: The department  
invites the interested public to review and provide input on  
the draft language of this proposed WAC amendment. Draft  
material and information about how to participate are avail-  
able by contacting the DSHS representative identified below.

Interested parties can participate in the decision to adopt  
the new rule and formulation of the proposed rule before pub-  
lication by contacting Kathy Sayre, Rules Program Manager,  
Medical Assistance Administration, Mailstop 45533, Olym-  
pia, WA 98504-5533, phone (360) 725-1342, e-mail  
sayrek@dshs.wa.gov, fax (360) 586-9727, TDD 1-800-848-  
5429.

February 13, 2004

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

The department is considering a revision to this rule to  
change the hierarchy of applied credits. The current rule  
explains that the SBC should be computed after claiming any  
other B&O tax credits available under chapter 82.04 RCW.  
B&O tax credits provided for in other chapters are to be taken  
after the SBC. The preliminary discussion draft of a possible  
rule revision provides that all credits, regardless of where  
they are provided in Title 82 RCW, would be applied prior to  
the SBC being determined and applied.

Other Federal and State Agencies that Regulate this Sub-  
ject and the Process Coordinating the Rule with These Agen-  
cies: None.

Process for Developing New Rule: Modified negotiated  
rule making.

Interested parties can participate in the decision to adopt  
the new rule and formulation of the proposed rule before pub-  
lication. Written comments may be submitted by mail, e-  
mail, fax, or at the public meeting. Oral comments will be  
accepted at the public meeting. A preliminary discussion  
draft of a possible new or revised rule(s) is available upon  
request. Written comments on and/or requests for copies of  
the draft may be directed to Gayle Carlson, Legislation and  
Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone  
(360) 570-6126, e-mail GayleC@dor.wa.gov, fax (360) 664-  
0693.

Date and Location of Public Meeting: Capital Plaza  
Building, 4th Floor Large Conference Room, 1025 Union  
Avenue S.E., Olympia, WA, on March 23, 2004, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Sandy  
Davis no later than ten days before the hearing date, TTY 1-  
800-451-7985 or (360) 725-7499.

February 18, 2003 [2004]

Alan R. Lynn  
Rules Coordinator  
Legislation and Policy Division

**WSR 04-05-102**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF REVENUE**  
[Filed February 18, 2004, 8:33 a.m.]

Subject of Possible Rule Making: WAC 458-20-104  
Small business tax relief based on volume of business.

Statutes Authorizing the Agency to Adopt Rules on this  
Subject: RCW 82.32.300 and 82.01.060(2).

Reasons Why Rules on this Subject may be Needed and  
What They Might Accomplish: This rule explains two meth-  
ods by which the legislature has eased the tax burden on  
smaller volume businesses. The tax relief comes in the form  
of a public utility tax (PUT) threshold and a business and  
occupation (B&O) tax small business credit (SBC). The PUT  
threshold is an all-or-nothing amount where no PUT tax is  
due until the assigned amount per reporting frequency is  
reached, at which point the entire PUT liability is due. A full  
B&O credit is allowed, up to certain volumes of business, and  
reduced amounts of credit can be taken as the business vol-  
ume increases, until the business reaches a point where no  
SBC is allowed. A step-ranged chart, for each frequency, is  
provided. This eliminates the need to hand-calculate the  
credit.

**WSR 04-05-103**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[Docket No. TR-040151—Filed February 18, 2004, 9:24 a.m.]

Subject of Possible Rule Making: This rule making  
would consider whether to adopt rules in chapter 480-62  
WAC, Railroad companies—Operations, relating to point  
protection for train movements. The rule making may also  
address rules related to public and railroad employee safety,  
and the protection of property from damage associated with  
general train operations.

Statutes Authorizing the Agency to Adopt Rules on this  
Subject: RCW 80.01.040 General, 81.04.160 Transportation.

Reasons Why Rules on this Subject may be Needed and  
What They Might Accomplish: During the commission's  
rule making in Docket No. TR-021465 addressing remote  
control operations, it became apparent that adequate protec-  
tion of the leading end of the train is a general safety concern,  
not one that is limited to remote control operations. Informa-  
tion provided during the remote control operations rule mak-

ing indicated that the greatest need for point protection occurs at grade crossings and where trains may enter main-line tracks. This information also indicated that the safety concerns involved were present in all types of moves, not just moves made by remote control trains. General rules addressing point protection may improve public and railroad employee safety, and prevent property damage associated with train operations.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Federal Railroad Administration (FRA) requires railroads to adopt operating rules. Almost all of the railroad companies operating in Washington state have signed the general code of operating rules, which are filed with the FRA. The FRA, however, does not enforce these operating rules. The general code of operating rules includes rules concerning point protection. Commission staff will seek to ensure that any rule proposed in this rule making is consistent with any rule in the general code of operating rules, as well as other internal safety rules adopted by the railroads.

Process for Developing New Rule: Agency study; and the commission will consider pertinent information provided during workshops and from written comments in Docket No. TR-021465, and will request written comments in this rule making to assist the commission in determining whether state rules are needed, as well as the language and content of any rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested persons may file comments with the Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, phone (360) 664-1174, facsimile (360) 586-1150, by March 19, 2004. For specific information regarding opportunities for written comments and to ensure receipt of further information concerning this rule making, please see below. Please refer to **Docket No. TR-040151** on all correspondence.

**WRITTEN COMMENTS:** Written comments may be submitted to the commission at the address given above and should be filed with the commission no later than **Friday, March 19, 2004**.

Electronic copies. The commission requests that comments be provided in electronic format to enhance public access, for ease of providing comments, to reduce the need for paper copies, and to facilitate quotations from the comments. Comments may be submitted by electronic mail to the commission's records center at [records@wutc.wa.gov](mailto:records@wutc.wa.gov). Please include:

- The docket number of this proceeding (TR-040151);
- The commenting party's name; and
- The title and date of the comment or comments.

An alternative method for submitting comments may be by mailing/delivering an electronic copy on a 3 1/2 inch, IBM-formatted, high-density disk, in .pdf Adobe Acrobat format or in Word 97 or later. Include all of the information requested above. The commission will post on the commission's website all comments that are provided in electronic format. The website is located at <http://www.wutc.wa.gov/>

040151. If you are unable to file your comments electronically or to submit them on a disk, the commission will always accept a paper document.

Opportunity for further comment is anticipated. Information about the schedule and other aspects of the rule making, including comments, will be posted on the commission's website as it becomes available. If you wish to receive further information on this rulemaking you may (1) call the commission's records center at (360) 664-1234, (2) e-mail the commission at [records@wutc.wa.gov](mailto:records@wutc.wa.gov) or (3) mail written comments to the address above to the attention of Carole J. Washburn, Secretary. When contacting the commission, please refer to Docket No. TR-040151 to ensure that you are placed on the appropriate service list. Questions may be addressed to Mike Rowsell (360) 664-1265 or e-mail at [mrowswel@wutc.wa.gov](mailto:mrowswel@wutc.wa.gov).

#### NOTICE

**TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULEMAKING** — The commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. **ANY PERSON WHO COMMENTS** will continue to receive notices and information. If you do not submit comments but wish to remain on the mailing list for this rulemaking, please advise the Records Center by any one of the following methods: (1) Send a note with your name, address (or a copy of your mailing label), and telephone and fax numbers referencing Docket No. TR-040151, and the words "Please keep me on the mailing list"; or (2) e-mail your name, address, telephone and fax numbers, referencing Docket No. TR-040151 and the words "Please keep me on the mailing list" to [records@wutc.wa.gov](mailto:records@wutc.wa.gov). Please note that all information in the mailings will be accessible through the commission's internet website at <http://www.wutc.wa.gov/040151>. **THOSE PARTIES WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.**

February 18, 2004

C. Robert Wallace  
for Carole J. Washburn  
Executive Secretary

#### WSR 04-05-121

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed February 18, 2004, 10:57 a.m.]

Subject of Possible Rule Making: Chapter 308-56A WAC, Certificates of title—Motor vehicles, etc., to include, but not limited to, a new rule clarifying administration of RCW 46.12.047 for all title transactions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required as result of review of current statute and rules.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting by mail Katherine Iyall Vasquez, Rules Manager, Title and Registration Services, Vehicle Services, Mailstop 48001, P.O. Box 2957, Olympia, WA 98507-2957, or by phone (360) 902-3718, fax (360) 664-0831, TTY (360) 664-8885, e-mail kvasquez@dol.wa.gov.

February 17, 2004

Robert Smith, Manager  
Vehicle Services Project Office



**WSR 04-03-085**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Filed January 20, 2004, 11:40 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 01-07-102.

Title of Rule: Machine safety.

Purpose: This rule making is part of our four-year plan to rewrite for clarity all of our general occupational safety and health rules. Machine guarding requirements located in chapters 296-24, 296-78, and 296-302 WAC were reviewed to identify unnecessary design requirements, outdated terminology, incorporate necessary policies and requirements, rewriting and reorganizing for clarity and consolidate into one rule, chapter 296-806 WAC.

The following are the new and repealed WAC sections:

**Chapter 296-24 WAC, Part C, Machinery and Machine Guarding.**

- Repeal this part.

**WAC 296-24-150 Machinery and machine guarding—General requirements for all machines—Scope and application.**

- The scope and application relating to machine safety has been moved to WAC 296-806-100.
- Repeal this section.

**WAC 296-24-15001 Machine guarding.**

- Requirements relating to general types of machine guarding have been moved to WAC 296-806-20028, 296-806-20030, 296-806-20032, 296-806-20036, and 296-806-20042.
- Requirements relating to circular meat cutting saws have been moved to WAC 296-806-42560.
- Requirements relating to special hand tools have been moved to WAC 296-806-20018.
- Requirements relating to the point of operation guarding on guillotine cutters, shears, power presses, milling machines, power saws, jointers and forming rolls and calenders have been moved to WAC 296-806-20028.
- Requirements relating to the point of operation guarding on portable power tools have been moved to chapter 296-807 WAC.
- Requirements relating to guarding barrels, containers and drums have been moved to WAC 296-806-30028.
- Requirements relating to exposure of blades have been moved to WAC 296-806-30016.
- Requirements relating to cams have been moved to WAC 296-806-30012.
- Requirements relating to guarding garbage disposals have been moved to WAC 296-806-43502.
- Repeal this section.

**WAC 296-24-15003 Anchoring fixed machinery.**

- Requirements relating to anchoring fixed machinery have been moved to WAC 296-806-20002.
- Repeal this section.

**WAC 296-24-15005 Means to prevent slipping.**

- Requirements relating to slipping hazards around machinery have been moved to WAC 296-806-20004.
- Repeal this section.

**WAC 296-24-15007 Machines shall be stopped when making repairs.**

- Requirements relating to machines being stopped when making repairs have been moved to WAC 296-806-20020.
- Repeal this section.

**WAC 296-24-15009 Counterweights.**

- Requirements relating to counterweights have been moved to WAC 296-806-20034.
- Repeal this section.

**WAC 296-24-165 Fixed and portable power tool requirements.**

- Requirements relating to saws have been moved to WAC 296-806-480.
- Repeal this section.

**WAC 296-24-16501 Definitions.**

- Definitions relating to machine safety have been moved to WAC 296-806-500.
- Repeal this section.

**WAC 296-24-16503 Machine construction general.**

- Requirements relating to controlling machine vibration have been moved to WAC 296-806-20014.
- Requirements relating to arbors and mandrels have been moved to WAC 296-806-30002.
- Requirements relating to automatic cutoff saws have been moved to WAC 296-806-48024.
- Requirements relating to construction of saw frames and tables have been moved to WAC 296-806-20016.
- Requirements relating to construction of circular saw fences have been moved to WAC 296-806-48006.
- Requirements relating to construction of gages have been moved to WAC 296-806-48010.
- Requirements relating to construction of hinged saw tables have been moved to WAC 296-806-48006.
- Requirements relating to guarding of belts, pulleys, gears, shafts, and moving parts have been moved to WAC 296-806-300.
- Requirements relating to grounding are located in chapter 296-24 WAC, Part L.
- Requirements relating to accidental contact under and behind the saw table have been moved to WAC 296-806-48008.
- Requirements relating to revolving double arbor saws have been moved to WAC 296-806-48036.
- Requirements relating to prohibiting saws, cutter heads, or tool collars being placed or mounted on a machine arbor have been moved to WAC 296-806-30002.
- Requirements relating to providing combs (featherboards) or suitable jigs have been moved to WAC 296-806-48002.
- Repeal this section.

PROPOSED

**WAC 296-24-16505 Machine controls and equipment.**

- Requirements relating to mechanical or electrical power controls have been moved to WAC 296-806-20008.
- Requirements relating to belts and shafting have been moved to WAC 296-806-30008.
- Requirements relating to motors restarting after power failures have been moved to WAC 296-806-20010.
- Requirements relating to the location of power controls and operating controls have been moved to WAC 296-806-20008.
- Requirements relating to motors being inoperative while repairs or adjustments being made have been moved to chapter 296-803 WAC, Lockout/tagout (control of hazardous energy).
- Requirements relating to operating treads being protected from unexpected or accidental tripping have been moved to WAC 296-806-20010.
- Requirements relating to guarding feeder attachments have been moved to WAC 296-806-20030 and 296-806-48016.
- Repeal this section.

**WAC 296-24-16507 Hand-fed rip saws.**

- Requirements relating to hand-fed rip saws have been moved to WAC 296-806-480.
- Repeal this section.

**WAC 296-24-16509 Hand-fed crosscut table saws.**

- Requirements relating to hand-fed crosscut table saws have been moved to WAC 296-806-480.
- Repeal this section.

**WAC 296-24-16511 Circular resaws.**

- Requirements relating to circular resaws have been moved to WAC 296-806-480.
- Repeal this section.

**WAC 296-24-16513 Self-feed circular saws.**

- Requirements relating to self-feed circular saws have been moved to WAC 296-806-480.
- Repeal this section.

**WAC 296-24-16515 Swing cutoff saws.**

- Requirements relating to swing cutoff saws have been moved to WAC 296-806-480.
- Repeal this section.

**WAC 296-24-16517 Radial saws.**

- Requirements relating to radial saws have been moved to WAC 296-806-480.
- Repeal this section.

**WAC 296-24-16519 Bandsaws and band resaws.**

- Requirements relating to bandsaws and band resaws have been moved to WAC 296-806-480.
- Repeal this section.

**WAC 296-24-16521 Jointers.**

- Requirements relating to jointers have been moved to WAC 296-806-480.
- Repeal this section.

**WAC 296-24-16523 Tenoning machines.**

- Requirements relating to tenoning machines have been moved to WAC 296-806-480.
- Repeal this section.

**WAC 296-24-16525 Boring and mortising machine.**

- Requirements relating to guarding the operating treadle have been moved to WAC 296-806-20010.
- Requirements relating to boring and mortising machines have been moved to WAC 296-806-480.
- Repeal this section.

**WAC 296-24-16527 Shaper and similar equipment.**

- Requirements relating to shapers and similar equipment have been moved to WAC 296-806-480.
- Repeal this section.

**WAC 296-24-16529 Planing, molding, sticking, and matching machines.**

- Requirements relating to planing, molding, sticking, and matching machines have been moved to WAC 296-806-480.
- Repeal this section.

**WAC 296-24-16531 Profile and swing-head lathes and heel turning machine.**

- Requirements relating to profile and swing head lathes have been moved to WAC 296-806-45012.
- Requirements relating to cutting heads on turning heads have been moved to WAC 296-806-45014.
- Requirements relating to shoe lasts, spoke lathes, doweling machines and heel turning machines have been moved to WAC 296-806-45016.
- Requirements relating to lathes used for turning long pieces of stock have been moved to WAC 296-806-45018.
- Requirements relating to exhaust systems being used have been moved to WAC 296-806-45012.
- Requirements relating to wood turning lathes have been moved to WAC 296-806-20032.
- Repeal this section.

**WAC 296-24-16533 Sanding machines.**

- Requirements relating to sanding machines have been moved to WAC 296-806-475.
- Repeal this section.

**WAC 296-24-16535 Veneer cutters and wringers.**

- Requirements relating to veneer slicer knives have been moved to WAC 296-806-48080.
- Requirements relating to veneer clippers having automatic feeds have been moved to WAC 296-806-48082.
- Requirements relating to sprockets on chain or slat-belt conveyors have been moved to WAC 296-806-30014.
- Requirements relating to guillotine veneer cutters have been moved to WAC 296-806-48084.
- Requirements relating to emergency devices on power-driven guillotine veneer cutters have been moved to WAC 296-806-48086.
- Repeal this section.



**WAC 296-24-16537 Miscellaneous machines.**

- Requirements relating to feed rolls of roll type glue spreaders have been moved to WAC 296-806-440.
- Requirements relating to drag saws have been moved to WAC 296-806-480.
- Requirements relating to combination or universal machines have been moved to WAC 296-806-20028.
- Requirements relating to suitable guards and exhaust hoods being provided on the point of operation have been moved to WAC 296-806-20028.
- Repeal this section.

**WAC 296-24-16539 Inspection and maintenance of machinery.**

- Requirements relating to dull, badly set, improperly filed, or improperly tensioned saws being removed from service have been moved to WAC 296-806-480.
- Requirements relating to knives and cutting heads being kept sharp, properly adjusted, and firmly secured have been moved to WAC 296-806-480.
- Requirements relating to bearings being kept free from lost motion and be well lubricated have been moved to WAC 296-806-20022.
- Requirements relating to arbors of all circular saws shall be free from play have been moved to WAC 296-806-30002.
- Requirements relating to sharpening and tensioning of saw blades and cutters have been moved to WAC 296-806-480.
- Requirements relating to cracked saws being removed from service have been moved to WAC 296-806-480.
- Requirements relating to prohibiting wobble saws have been moved to WAC 296-806-480.
- Requirements relating to push sticks or push blocks have been moved to WAC 296-806-480.
- Requirements relating to knife blades of jointers have been moved to WAC 296-806-480.
- Requirements relating to the shutdown of veneer slicers or rotary veneer-cutting machines to make adjustments are covered in chapter 296-803 WAC, Lockout/tagout.
- Requirements relating to prohibiting operators from riding the carriage of a veneer slicer have been moved to WAC 296-806-480.
- Repeal this section.

**WAC 296-24-180 Abrasive wheel machinery.**

- Requirements relating to abrasive wheel machinery have been moved to WAC 296-806-405.
- Repeal this section.

**WAC 296-24-18001 Definitions.**

- Definitions relating to machine safety have been moved to WAC 296-806-500.
- Repeal this section.

**WAC 296-24-18003 General requirements.**

- Requirements relating to abrasive wheel machinery have been moved to WAC 296-806-405.
- Repeal this section.

**WAC 296-24-18005 Guarding of abrasive wheel machinery.**

- Requirements relating to the guarding of abrasive wheel machinery have been moved to WAC 296-806-405.
- Repeal this section.

**WAC 296-24-18007 Flanges.**

- Requirements relating to flanges have been moved to WAC 296-806-405.
- Repeal this section.

**WAC 296-24-18009 Mounting.**

- Requirements relating to mounting have been moved to WAC 296-806-405.
- Repeal this section.

**WAC 296-24-190 Mills and calenders in the rubber and plastics industries.**

- Requirements relating to mills have been moved to WAC 296-806-460.
- Requirements relating to calenders have been moved to WAC 296-806-410.
- Repeal this section.

**WAC 296-24-19001 Definitions.**

- Definitions relating to machine safety have been moved to WAC 296-806-500.
- Repeal this section.

**WAC 296-24-19003 General requirements.**

- Requirements relating to mill roll heights have been moved to WAC 296-806-460.
- Repeal this section.

**WAC 296-24-19005 Mill safety controls.**

- Requirements relating to mill safety controls have been moved to WAC 296-806-460.
- Repeal this section.

**WAC 296-24-19007 Calender safety controls.**

- Requirements relating to calender safety controls have been moved to WAC 296-806-410.
- Repeal this section.

**WAC 296-24-19009 Protection by location.**

- Requirements relating to protection by location have been moved to WAC 296-806-410 and 296-806-460.
- Repeal this section.

**WAC 296-24-19011 Trip and emergency switches.**

- Requirements relating to trip and emergency switches have been moved to WAC 296-806-410 and 296-806-460.
- Repeal this section.

**WAC 296-24-19013 Stopping limits.**

- Requirements relating to stopping limits have been moved to WAC 296-806-410 and 296-806-460.
- Repeal this section.

**WAC 296-24-19015 Alarm.**

- Repeal this section.

**WAC 296-24-195 Mechanical power presses.**

- Requirements relating to mechanical power presses have been moved to WAC 296-806-455.
- Repeal this section.

**WAC 296-24-19501 Definitions.**

- Definitions relating to machine safety have been moved to WAC 296-806-500.
- Repeal this section.

**WAC 296-24-19503 General requirements.**

- Requirements for general requirements relating to mechanical power presses have been moved to WAC 296-806-455.
- Repeal this section.

**WAC 296-24-19505 Mechanical power press guarding and construction, general.**

- Requirements relating to mechanical power press guarding and construction have been moved to WAC 296-806-455.
- Repeal this section.

**WAC 296-24-19507 Safeguarding the point of operation.**

- Requirements relating to safeguarding the point of operation have been moved to WAC 296-806-455.
- Repeal this section.

**WAC 296-24-19509 Design, construction, setting and feeding dies.**

- Requirements relating to design, construction, setting and feeding dies have been moved to WAC 296-806-455.
- Repeal this section.

**WAC 296-24-19511 Inspection, maintenance and modification of presses.**

- Requirements relating to inspection, maintenance and modification of presses have been moved to WAC 296-806-455.
- Repeal this section.

**WAC 296-24-19513 Operation of power presses.**

- Requirements relating to the operation of power presses moved to WAC 296-806-455.
- Repeal this section.

**WAC 296-24-19514 Reports of injuries to employees operating mechanical power presses.**

- Repeal this section.

**WAC 296-24-19517 Presence sensing device initiation (PSDI).**

- Requirements relating to presence sensing device initiation have been moved to WAC 296-806-455.
- Repeal this section.

**WAC 296-24-197 Compactors.**

- Requirements relating to compactors have been moved to WAC 296-806-415.

- Repeal this section.

**WAC 296-24-200 Forging machines.**

- Requirements relating to forging machines have been moved to WAC 296-806-430.
- Repeal this section.

**WAC 296-24-20001 Definitions.**

- Definitions relating to machine safety have been moved to WAC 296-806-500.
- Repeal this section.

**WAC 296-24-20003 General requirements.**

- Requirements relating to forging general requirements have been moved to WAC 296-806-430.
- Repeal this section.

**WAC 296-24-20005 Hammers, general.**

- Requirements relating to hammers have been moved to WAC 296-806-430.
- Requirements relating to foot operated devices have been moved to WAC 296-806-20010.
- Repeal this section.

**WAC 296-24-20007 Presses.**

- Requirements relating to presses have been moved to WAC 296-806-430.
- Repeal this section.

**WAC 296-24-20009 Power-driven hammers.**

- Requirements relating to power-driven hammers have been moved to WAC 296-806-430.
- Repeal this section.

**WAC 296-24-20011 Gravity hammers.**

- Requirements relating to gravity hammers have been moved to WAC 296-806-430.
- Repeal this section.

**WAC 296-24-20013 Forging presses.**

- Requirements relating to forging presses have been moved to WAC 296-806-430.
- Repeal this section.

**WAC 296-24-20015 Trimming presses.**

- Requirements relating to trimming presses have been moved to WAC 296-806-430.
- Repeal this section.

**WAC 296-24-20017 Upsetters.**

- Requirements relating to upsetters have been moved to WAC 296-806-430.
- Repeal this section.

**WAC 296-24-20019 Other forging equipment.**

- Requirements relating to other forging equipment have been moved to WAC 296-806-430.
- Repeal this section.

**WAC 296-24-20021 Other forge facility equipment.**

- Requirements relating to other forge facility equipment have been moved to WAC 296-806-430.

- Requirements relating to conveyors have been moved to WAC 296-806-420.
- Requirements relating to shot blasts are located in chapter 296-62 WAC.
- Requirements relating to grinding have been moved to WAC 296-806-405.
- Repeal this section.

**WAC 296-24-205 Safeguarding power transmission parts.**

- Requirements relating to safeguarding power transmission parts have been moved to WAC 296-806-200 and 296-806-300.
- Repeal this section.

**WAC 296-24-20501 What is an employer's duty to protect employees from hazards of power?**

- Requirements relating to an employer's duty to protect employees from hazards of power have been moved to WAC 296-806-200 and 296-806-300.
- Repeal this section.

**WAC 296-24-20503 What requirements must guards meet?**

- Requirements relating to guards have been moved to WAC 296-806-20042.
- Repeal this section.

**WAC 296-24-20505 What requirements must devices meet?**

- Requirements relating to devices have been moved to WAC 296-806-20044.
- Repeal this section.

**WAC 296-24-20507 What requirements must safeguarding by distance meet?**

- Requirements relating to safeguarding by distance have been moved to WAC 296-806-20056.
- Repeal this section.

**WAC 296-24-20509 What requirements must safeguarding by location meet?**

- Requirements relating to safeguarding by location have been moved to WAC 296-806-30004, 296-806-30024, and 296-806-30030.
- Repeal this section.

**WAC 296-24-20511 What other responsibilities beyond safeguarding does an employer have to protect employees from power transmission parts?**

- Requirements relating to removing, make flush, or guard with metal covers all projections on moving parts have been moved to WAC 296-806-30034.
- Requirements relating to filling or covering unused keyways have been moved to WAC 296-806-30036.
- Requirements relating to ensuring power transmission parts are inspected have been moved to WAC 296-806-20024.
- Requirements relating to lubricating power transmission parts have been moved to WAC 296-806-20026.
- Repeal this section.

**WAC 296-24-20513 When may a guardrail be used as a safeguard?**

- Requirements relating to using a guardrail as a safeguard have been moved to WAC 296-806-20058.
- Repeal this section.

**WAC 296-24-20515 What are the additional requirements for flywheels?**

- Requirements relating to flywheels have been moved to WAC 296-806-30018.
- Repeal this section.

**WAC 296-24-20517 What are the additional requirements for shafting?**

- Requirements relating to shafting have been moved to WAC 296-806-30030 and 296-806-30032.
- Repeal this section.

**WAC 296-24-20519 What are the additional requirements for pulleys?**

- Requirements relating to pulleys have been moved to WAC 296-806-30026
- Repeal this section.

**WAC 296-24-20521 What are the additional requirements for belt and rope drives?**

- Requirements relating to belt and rope drives have been moved to WAC 296-806-30004 and 296-806-30006.
- Repeal this section.

**WAC 296-24-20523 What are the additional requirements for gears?**

- Requirements relating to gears have been moved to WAC 296-806-30020.
- Repeal this section.

**WAC 296-24-20525 What are the additional requirements for belt shifters?**

- Requirements relating to belt shifters have been moved to WAC 296-806-30008.
- Repeal this section.

**WAC 296-24-20527 What are the additional requirements for sewing machines?**

- Requirements relating to sewing machines have been moved to WAC 296-806-30004 and 296-806-485.
- Repeal this section.

**WAC 296-24-20529 Reserve.**

- Repeal this section.

**WAC 296-24-20531 Reserve.**

- Repeal this section.

**WAC 296-24-20533 Reserve.**

- Repeal this section.

**WAC 296-24-20699 Appendices A through D are added to Part C of chapter 296-24 WAC, to describe the federal procedures for third-party validation and certification of presence sensing devices on mechanical power presses.**

- Repeal this section.

**WAC 296-24-20700 Appendix A to WAC 296-24-195.**

- Repeal this section.

**WAC 296-24-20710 Appendix B to WAC 296-24-195.**

- Repeal this section.

**WAC 296-24-20720 Appendix C to WAC 296-24-195.**

- Repeal this section.

**WAC 296-24-20730 Appendix D to WAC 296-24-195.**

- Repeal this section.

**WAC 296-24-69003 Spot and seam welding machines (nonportable).**

- Update references.

**WAC 296-24-88020 Powered platform installations—Equipment.**

- Update a reference.

**WAC 296-24-90003 General requirements.**

- Update a reference.

**WAC 296-54-573 Logging machines—General.**

- Update references.

**WAC 296-59-130 Ski lift machinery guarding.**

- Update a reference.

**WAC 296-78-56511 Head rigs and feed works.**

- Update a reference.

**WAC 296-78-590 Gang saws and re-saws.**

- Update a reference.

**WAC 296-78-605 Swing saws.**

- Update a reference.

**WAC 296-78-615 Saw filing and grinding rooms and equipment.**

- Update a reference.

**WAC 296-78-650 Boring and mortising machines.**

- Update a reference.

**WAC 296-78-660 Lathe (pail and barrel).**

- Update a reference.

**WAC 296-78-665 Sanding machines.**

- Update a reference.

**WAC 296-78-690 Veneer slicer and cutter.**

- Update a reference.

**WAC 296-78-70503 Shake and shingle machinery—General.**

- Update references.

**WAC 296-78-71007 Footwalks and passageways.**

- Update a reference.

**WAC 296-78-71017 Dry kilns.**

- Update a reference.

**WAC 296-78-71505 Mechanical power transmission apparatus.**

- Update a reference.

**WAC 296-79-030 Guards and guarding.**

- Update a reference.

**WAC 296-115-050 General requirements.**

- Update a reference.

**WAC 296-155-487 Manually propelled elevating work platforms.**

- Update a reference.

**WAC 296-155-488 Self propelled elevating work platforms.**

- Update a reference.

**WAC 296-155-525 Cranes and derricks.**

- Update a reference.

**WAC 296-155-682 Requirements for equipment and tools.**

- Update a reference.

**WAC 296-301-020 General safety requirements.**

- Update a reference.

**WAC 296-301-170 Clothing folding machine.**

- Update a reference.

**Chapter 296-302 WAC, Safety standards for bakery equipment.**

- Repeal this chapter.

**WAC 296-302-010 Bakery equipment—General requirements.**

- Requirements relating to bakery equipment have been moved to WAC 296-806-425.
- Repeal this section.

**WAC 296-302-015 Definitions.**

- Definitions relating to bakery equipment have been moved to WAC 296-806-500.
- Repeal this section.

**WAC 296-302-020 General machine guarding.**

- Requirements relating to electrical grounding of bakery equipment are located in chapter 296-24 WAC, Part L.
- Requirements relating to gears have been moved to WAC 296-806-30020.
- Repeal this section.

**WAC 296-302-025 Flour-handling equipment—Scope and application.**

- Requirements relating to flour handling equipment have been moved to WAC 296-806-425.
- Repeal this section.

**WAC 296-302-02501 General requirements for flour-handling.**

- Requirements relating to lockout tagout items have been moved to chapter 296-803 WAC.

- Requirements relating to lifting more than fifty pounds have been moved to WAC 296-806-42544.
- Requirements relating to suitable walkways or platforms are located in chapter 296-24 WAC, Part J-1.
- Requirements relating to oscillating and vibrating sifters have been moved to WAC 296-806-42582.
- Requirements relating to guarding mechanical transmission shafting, gearing, and sprocket drives have been moved to WAC 296-806-300.
- Requirements relating to guards being readily removable have been moved to WAC 296-806-300.
- Repeal this section.

**WAC 296-302-02503 Bag chutes and bag lifts (bag-arm elevators).**

- Requirements relating to bag chutes have been moved to WAC 296-806-42518.
- Repeal this section.

**WAC 296-302-02505 Dumpbin and blender.**

- Requirements relating to dumpbins and blenders have been moved to WAC 296-806-42544.
- Repeal this section.

**WAC 296-302-02507 Flour elevators.**

- Repeal this section.

**WAC 296-302-02509 Bolting reels.**

- Repeal this section.

**WAC 296-302-02511 Storage bins.**

- Requirements relating to storage bins have been moved to WAC 296-806-42516.
- Repeal this section.

**WAC 296-302-02513 Screw conveyors.**

- Requirements relating to screw conveyors have been moved to WAC 296-806-42522.
- Repeal this section.

**WAC 296-302-02515 Sifters.**

- Requirements relating to sifters have been moved to WAC 296-806-42582.
- Repeal this section.

**WAC 296-302-02517 Flour scales.**

- Requirements relating to flour scales have been moved to WAC 296-806-42548.
- Repeal this section.

**WAC 296-302-02519 Automatic flour gates.**

- Repeal this section.

**WAC 296-302-03001 Horizontal dough mixers.**

- Requirements relating to horizontal dough mixers have been moved to WAC 296-806-42562.
- Repeal this section.

**WAC 296-302-03003 Vertical mixers.**

- Requirements relating to vertical mixers have been moved to WAC 296-806-42564.
- Repeal this section.

**WAC 296-302-035 Dividers.**

- Requirements relating to dividers have been moved to WAC 296-806-42536.
- Repeal this section.

**WAC 296-302-040 Moulders.**

- Requirements relating to mechanical feed moulders have been moved to WAC 296-806-42566.
- Requirements relating to hand fed moulders have been moved to WAC 296-806-42568.
- Repeal this section.

**WAC 296-302-045 Manually fed dough brakes.**

- Requirements relating to manually fed dough brakes have been moved to WAC 296-806-42538.
- Repeal this section.

**WAC 296-302-050 Miscellaneous equipment.**

- Requirements relating to proof boxes have been moved to WAC 296-806-42514.
- Requirements relating to fermentation rooms have been moved to WAC 296-806-42506.
- Requirements relating to troughs have been moved to WAC 296-806-42532.
- Requirements relating to hand trucks have been moved to WAC 296-806-42526.
- Requirements relating to lift trucks have been moved to WAC 296-806-42526.
- Requirements relating to conveyors have been moved to WAC 296-806-42522.
- Requirements relating to ingredient premixers and emulsifiers have been moved to WAC 296-806-42552.
- Requirements relating to chain tackle have been moved to WAC 296-806-42520.
- Requirements relating to air-conditioning units have been moved to WAC 296-806-42502.
- Requirements relating to pan washing tanks have been moved to WAC 296-806-42512.
- Requirements relating to doughnut machines have been moved to WAC 296-806-42542.
- Requirements relating to open fat kettles have been moved to WAC 296-806-42554.
- Requirements relating to steam kettles have been moved to WAC 296-806-42556.
- Repeal this section.

**WAC 296-302-05501 Slicers.**

- Requirements relating to slicers have been moved to WAC 296-806-42528.
- Repeal this section.

**WAC 296-302-05503 Wrappers.**

- Requirements relating to wrappers have been moved to WAC 296-806-42530.
- Repeal this section.

**WAC 296-302-060 Biscuit and cracker equipment.**

- Requirements relating to metal, peanut, and fig grinders have been moved to WAC 296-806-42550.
- Requirements relating to sugar and spice pulverizers have been moved to WAC 296-806-42584.

- Requirements relating to cheese, fruit, and food cutters have been moved to WAC 296-806-42550.
- Requirements relating to reversible dough brakes have been moved to WAC 296-806-42540.
- Requirements relating to cross-roll brakes have been moved to WAC 296-806-42538.
- Requirements relating to box and roll type dough sheeters have been moved to WAC 296-806-42580.
- Requirements relating to rotary, die machines, pretzel rolling and pretzel-stick extruding machines have been moved to WAC 296-806-42578.
- Requirements relating to band ovens have been moved to WAC 296-806-20030.
- Requirements relating to chocolate melting, refining, and mixing kettles have been moved to WAC 296-806-42558.
- Requirements relating to peanut cooling trucks have been moved to WAC 296-806-42576.
- Repeal this section.

#### **WAC 296-302-065 Ovens—Scope and application.**

- Requirements relating to ovens have been moved to WAC 296-806-42570, 296-806-42572, and 296-806-42574.
- Repeal this section.

#### **WAC 296-302-06501 General location.**

- Requirements relating to oven location have been moved to WAC 296-806-42570.
- Repeal this section.

#### **WAC 296-302-06503 General requirements.**

- Requirements relating to oven general requirements have been moved to WAC 296-806-42574.
- Repeal this section.

#### **WAC 296-302-06505 Construction.**

- Requirements relating to construction of ovens have been moved to WAC 296-806-42570.
- Repeal this section.

#### **WAC 296-302-06507 Safeguards of mechanical parts.**

- Requirements relating to safeguarding of mechanical oven parts have been moved to WAC 296-806-42572.
- Repeal this section.

#### **WAC 296-302-06509 Gas-burning systems.**

- Requirements relating to gas-burning systems have been moved to WAC 296-806-42570.
- Repeal this section.

#### **WAC 296-302-06511 Gas mixing machines.**

- Requirements relating to gas mixing machines have been moved to WAC 296-806-42570.
- Repeal this section.

#### **WAC 296-302-06513 Oil-burning equipment.**

- Requirements relating to oil-burning equipment have been moved to WAC 296-806-42470.
- Repeal this section.

#### **WAC 296-302-06515 Solid-fuel firing equipment.**

- Requirements relating to solid-fuel firing equipment have been moved WAC 296-806-42570.
- Repeal this section.

#### **WAC 296-302-06517 Electrical heating equipment.**

- Requirements relating to electrical heating equipment have been moved WAC 296-806-42570.
- Repeal this section.

#### **WAC 296-302-06519 Direct-fired ovens.**

- Requirements relating to direct-fired ovens have been moved WAC 296-806-42570.
- Repeal this section.

#### **WAC 296-302-06521 Direct recirculating ovens.**

- Requirements relating to direct recirculating ovens have been moved WAC 296-806-42570.
- Repeal this section.

#### **WAC 296-302-06523 Flue-type ovens.**

- Requirements relating to flue-type ovens have been moved WAC 296-806-42570.
- Repeal this section.

#### **WAC 296-302-06525 Indirect-fired multiple burner ovens.**

- Requirements relating to indirect-fired multiple burner ovens have been moved WAC 296-806-42570.
- Repeal this section.

#### **WAC 296-302-06527 Steam-tube ovens.**

- Requirements relating to steam-tube ovens have been moved to WAC 296-806-42570.
- Repeal this section.

#### **WAC 296-302-06529 Indirect recirculating ovens.**

- Requirements relating to indirect recirculating ovens have been moved WAC 296-806-42570.
- Repeal this section.

#### **WAC 296-302-06531 Electric ovens.**

- Requirements relating to electric ovens have been moved to WAC 296-806-42570.
- Repeal this section.

#### **WAC 296-303-030 Moving parts.**

- Update references.

#### **WAC 296-305-06519 Fire station equipment and tools.**

- Update references.

#### **WAC 296-806-100 Scope.**

- Created this section to explain the requirements relating to machine safety. Also, this section provides a "contents at a glance" for this chapter.

#### **WAC 296-806-200 Summary.**

- Created this summary page to include all the sections located in WAC 296-806-200 that relate to general requirements for all machines.

**WAC 296-806-20002 Secure machines designed to stay in one place.**

- Requirements in this section were moved from WAC 296-24-15003.

**WAC 296-806-20004 Protect employees from slipping hazards around machinery.**

- Requirements in this section were moved from WAC 296-24-15005.

**WAC 296-806-20006 Arrange work areas to avoid creating hazards.**

- Requirements in this section were moved from WAC 296-24-85503.

**WAC 296-806-20008 Make sure operating controls meet these requirements.**

- Requirements in this section were moved from WAC 296-24-16505.

**WAC 296-806-20010 Protect employees from unintentional machine operation.**

- Requirements in this section were moved from WAC 296-24-16505.
- Requirements in this section were moved from WAC 296-24-16525.
- Requirements in this section were moved from WAC 296-24-20005.

**WAC 296-806-20012 Make sure emergency stop controls meet these requirements.**

- Requirements in this section were moved from WAC 296-24-13501.

**WAC 296-806-20014 Control machine vibration.**

- Requirements in this section were moved from WAC 296-24-16503.

**WAC 296-806-20016 Prevent overspeed conditions.**

- Requirements in this section were moved from WAC 296-24-16503.

**WAC 296-806-20018 Make sure hand feeding and retrieval tools meet these requirements.**

- Requirements in this section were moved from WAC 296-24-15001.

**WAC 296-806-20020 Protect employees who are adjusting or repairing machinery.**

- Requirements in this section were moved from WAC 296-24-15007.

**WAC 296-806-20022 Keep power transmission equipment in good working condition.**

- Requirements in this section were moved from WAC 296-24-20511.

**WAC 296-806-20024 Inspect power transmission parts.**

- Requirements in this section were moved from WAC 296-24-20511.

**WAC 296-806-20026 Protect employees lubricating moving machinery.**

- Requirements in this section were moved from WAC 296-24-20511.

**WAC 296-806-20028 Safeguard employees from the point of operation.**

- Requirements in this section were moved from WAC 296-24-15001.
- Requirements in this section were moved from WAC 296-24-16537.

**WAC 296-806-20030 Safeguard employees from nip or shear point hazards.**

- Requirements in this section were moved from WAC 296-24-15001.
- Requirements in this section were moved from WAC 296-24-16505.
- Requirements in this section were moved from WAC 296-302-060.

**WAC 296-806-20032 Safeguard employees from rotating or revolving parts.**

- Requirements in this section were moved from WAC 296-24-15001.

**WAC 296-806-20034 Safeguard employees from reciprocating or other moving parts.**

- Requirements in this section were moved from WAC 296-24-15009.

**WAC 296-806-20036 Safeguard employees from flying objects.**

- Requirements in this section were moved from WAC 296-24-15001.

**WAC 296-806-20038 Safeguard employees from falling objects.**

- Requirements in this section were moved from WAC 296-24-15001.

**WAC 296-806-20040 Safeguard employees from moving surfaces with hazards.**

- Requirements in this section were moved from WAC 296-24-20501.

**WAC 296-806-20042 Make sure guards meet these requirements.**

- Requirements in this section were moved from WAC 296-24-15001.
- Requirements in this section were moved from WAC 296-24-20503.

**WAC 296-806-20044 Make sure devices meet these requirements.**

- Requirements in this section were moved from WAC 296-24-20505.

**WAC 296-806-20046 Make sure light curtains meet these requirements.**

- Requirements in this section were moved from ANSI B11.19 - 1990.

**WAC 296-806-20048 Make sure pressure-sensitive mats meet these requirements.**

- Requirements in this section were moved from ANSI B11.19 - 1990.

**WAC 296-806-20050 Make sure restraint or pullback devices meet these requirements.**

- Requirements in this section were moved from ANSI B11.19 - 1990.

**WAC 296-806-20052 Make sure two-hand devices meet these requirements.**

- Requirements in this section were moved from ANSI B11.19 - 1990.

**WAC 296-806-20054 Make sure devices used with barrier guards meet these requirements.**

- Requirements in this section were moved from ANSI B11.19 - 1990.

**WAC 296-806-20056 Make sure safeguarding by distance meets these requirements.**

- Requirements in this section were moved from WAC 296-24-20507.

**WAC 296-806-20058 Make sure guardrails used for safeguarding meet these requirements.**

- Requirements in this section were moved from WAC 296-24-20513.

**WAC 296-806-300 Summary.**

- Created this summary page to include all the sections located in WAC 296-806-300 that relate to specific machines or operations.

**WAC 296-806-30002 Fit arbors and mandrels to the machine.**

- Requirements in this section were moved from WAC 296-24-16503.
- Requirements in this section were moved from WAC 296-24-16539

**WAC 296-806-30004 Safeguard belt and rope drives.**

- Requirements in this section were moved from WAC 296-24-20509.
- Requirements in this section were moved from WAC 296-24-20521.
- Requirements in this section were moved from WAC 296-24-20527.

**WAC 296-806-30006 Make sure belt or rope drives meet these requirements.**

- Requirements in this section were moved from WAC 296-24-20521.
- Requirements in this section were moved from WAC 296-24-20525.

**WAC 296-806-30008 Protect employees while shifting belts on belt and pulley drives.**

- Requirements in this section were moved from WAC 296-24-16505.
- Requirements in this section were moved from WAC 296-24-20525.

**WAC 296-806-30010 Make sure belt tighteners meet these requirements.**

- Requirements in this section were moved from WAC 296-24-20525.

**WAC 296-806-30012 Safeguard cams, connecting rods, tail rods, and extension piston rods.**

- Requirements in this section were moved from WAC 296-24-15001.

**WAC 296-806-30014 Safeguard chain and sprocket drives.**

- Requirements in this section were moved from WAC 296-24-16535.

**WAC 296-806-30016 Safeguard fan blades.**

- Requirements in this section were moved from WAC 296-24-15001.

**WAC 296-806-30018 Safeguard flywheels.**

- Requirements in this section were moved from WAC 296-24-20515.

**WAC 296-806-30020 Safeguard gears.**

- Requirements in this section were moved from WAC 296-24-20523.
- Requirements in this section were moved from WAC 296-302-020.

**WAC 296-806-30022 Safeguard projections on moving parts.**

- Requirements in this section were moved from WAC 296-24-20511.

**WAC 296-806-30024 Safeguard pulleys.**

- Requirements in this section were moved from WAC 296-24-20509.

**WAC 296-806-30026 Make sure pulleys meet these requirements.**

- Requirements in this section were moved from WAC 296-24-20519.

**WAC 296-806-30028 Safeguard revolving drums, barrels, and containers.**

- Requirements in this section were moved from WAC 296-24-15001.

**WAC 296-806-30030 Safeguard shafting.**

- Requirements in this section were moved from WAC 296-24-20509.
- Requirements in this section were moved from WAC 296-24-20517.



**WAC 296-806-30032 Make sure shafting meets these requirements.**

- Requirements in this section were moved from WAC 296-24-20517.

**WAC 296-806-30034 Safeguard unused keyways.**

- Requirements in this section were moved from WAC 296-24-20511.

**WAC 296-806-30036 Make sure revolving collars meet these requirements.**

- Requirements in this section were moved from WAC 296-24-20511.

**WAC 296-806-30038 Safeguard counterweights.**

- Requirements relating to counterweights were moved from WAC 296-24-15009.

**WAC 296-806-400 Summary.**

- Created this summary page to include all the sections located in WAC 296-806-400 that relate to requirements for specific machines or operations.

**WAC 296-806-405 Summary.**

- Requirements in this section were moved from WAC 296-24-180 through 296-24-18009.
- Requirements in this section were moved from WAC 296-24-20021.

**WAC 296-806-40502 Make sure abrasive wheels and machines are properly designed and constructed.**

- Requirements in this section were moved from WAC 296-24-180 through 296-24-18009.

**WAC 296-806-40504 Make sure machines have safety guards.**

- Requirements in this section were moved from WAC 296-24-180 through 296-24-18009.

**WAC 296-806-40506 Make sure safety guards meet specific requirements.**

- Requirements in this section were moved from WAC 296-24-180 through 296-24-18009.

**WAC 296-806-40508 Provide a tongue guard on bench, pedestal, floorstand, and cylindrical grinders.**

- Requirements in this section were moved from WAC 296-24-180 through 296-24-18009.

**WAC 296-806-40510 Use a work rest for off-hand grinding.**

- Requirements in this section were moved from WAC 296-24-180 through 296-24-18009.

**WAC 296-806-40512 Make sure abrasive wheels are safe to use.**

- Requirements in this section were moved from WAC 296-24-180 through 296-24-18009.

**WAC 296-806-40514 Mount wheels properly.**

- Requirements in this section were moved from WAC 296-24-180 through 296-24-18009.

**WAC 296-806-40516 Use proper flanges.**

- Requirements in this section were moved from WAC 296-24-180 through 296-24-18009.

**WAC 296-806-40518 Make sure flanges are in good condition.**

- Requirements in this section were moved from WAC 296-24-180 through 296-24-18009.

**WAC 296-806-40520 Use specific flanges for Type 1 cutting-off wheels.**

- Requirements in this section were moved from WAC 296-24-180 through 296-24-18009.

**WAC 296-806-40522 Use specific flanges for Type 27A cutting-off wheels.**

- Requirements in this section were moved from WAC 296-24-180 through 296-24-18009.

**WAC 296-806-40524 Use blotters when required.**

- Requirements in this section were moved from WAC 296-24-180 through 296-24-18009.

**WAC 296-806-40526 Meet specific blotter requirements when using modified Types 6 and 11 wheels (terrazzo).**

- Requirements in this section were moved from WAC 296-24-180 through 296-24-18009.

**WAC 296-806-410 Summary.**

- Requirements in this section were moved from WAC 296-24-190 through 296-24-19015.

**WAC 296-806-41002 Provide calender safety controls.**

- Requirements in this section were moved from WAC 296-24-190 through 296-24-19015.

**WAC 296-806-41004 Follow these stopping limit requirements for calenders.**

- Requirements in this section were moved from WAC 296-24-190 through 296-24-19015.

**WAC 296-806-415 Summary.**

- Requirements in this section were moved from WAC 296-24-197.

**WAC 296-806-41502 Safeguard hazardous moving parts of stationary compactors.**

- Requirements in this section were moved from WAC 296-24-197.

**WAC 296-806-41504 Follow these requirements for compactor controls.**

- Requirements in this section were moved from WAC 296-24-197.

**WAC 296-806-41506 Follow these requirements for compactor access doors and covers.**

- Requirements in this section were moved from WAC 296-24-197.

**WAC 296-806-41508 Follow these requirements for compactors that cycle automatically.**

- Requirements in this section were moved from WAC 296-24-197.

**WAC 296-806-420 Summary.**

- Requirements in this section were moved from WAC 296-24-20021.

**WAC 296-806-42002 Follow these requirements for conveyors.**

- Requirements in this section were moved from WAC 296-24-21515.

**WAC 296-806-42004 Provide emergency stops on conveyors.**

- Requirements in this section were moved from WAC 296-24-21515.

**WAC 296-806-42006 Label conveyor controls.**

- Requirements in this section were moved from ASME B20.1 - 1996.

**WAC 296-806-42008 Prohibit riding on conveyors.**

- Requirements in this section were moved from ASME B20.1 - 1996.

**WAC 296-806-42010 Provide safe access to conveyors.**

- Requirements in this section were moved from WAC 296-24-21515.

**WAC 296-806-42012 Provide backstop or anti-runaway devices on incline, decline, or vertical conveyors.**

- Requirements in this section were moved from ASME B20.1 - 1996.

**WAC 296-806-42014 Make only safe alterations to conveyors.**

- Requirements in this section were moved from ASME B20.1 - 1996.

**WAC 296-806-42016 Inspect and replace worn conveyor parts.**

- Requirements in this section were moved from WAC 296-24-21515.

**WAC 296-806-42018 Follow these requirements for replacing conveyor parts.**

- Requirements in this section were moved from WAC 296-24-21515.

**WAC 296-806-42020 Follow these requirements for spill guards.**

- Requirements in this section were moved from ASME B20.1 - 1996.

**WAC 296-806-42022 Provide pedestrian overpasses for conveyors.**

- Requirements in this section were moved from ANSI B20.1 - 1957.

**WAC 296-806-42024 Guard openings to hoppers and chutes.**

- Requirements in this section were moved from ASME B20.1 - 1996.

**WAC 296-806-42026 Install guideposts.**

- Requirements in this section were moved from ASME B20.1 - 1996.

**WAC 296-806-42028 Guard nip points on belt conveyors.**

- Requirements in this section were moved from ASME B20.1 - 1996.

**WAC 296-806-42030 Install emergency stop controllers on overland belt conveyors.**

- Requirements in this section were moved from ASME B20.1 - 1996.

**WAC 296-806-42032 Install belt conveyor overpasses.**

- Requirements in this section were moved from ASME B20.1 - 1996.

**WAC 296-806-42034 Safeguard chain conveyors.**

- Requirements in this section were moved from ASME B20.1 - 1996.

**WAC 296-806-42036 Guard return strands on chain conveyors.**

- Requirements in this section were moved from WAC 296-24-21515.

**WAC 296-806-42038 Guard chain conveyors that are used as a transfer mechanism.**

- Requirements in this section were moved from ASME B20.1 - 1996.

**WAC 296-806-42040 Prevent material from falling off of elevator conveyors.**

- Requirements in this section were moved from WAC 296-24-21515.

**WAC 296-806-42042 Provide protection where employees must load shakers.**

- Requirements in this section were moved from ASME B20.1 - 1996.

**WAC 296-806-42044 Provide grating over silo and bunker openings for shuttle conveyors.**

- Requirements in this section were moved from ASME B20.1 - 1996.

**WAC 296-806-42046 Guard wheels and rails on mobile conveyors.**

- Requirements in this section were moved from ASME B20.1 - 1996.

**WAC 296-806-42048 Prevent hazardous motion on mobile conveyors.**

- Requirements in this section were moved from ASME B20.1 - 1996.

**WAC 296-806-42050 Provide a detector for mobile conveyors.**

- Requirements in this section were moved from ASME B20.1 - 1996.

**WAC 296-806-42052 Provide safe access on mobile conveyors.**

- Requirements in this section were moved from ASME B20.1 - 1996.

**WAC 296-806-42054 Guard pusher-bar conveyors.**

- Requirements in this section were moved from ASME B20.1 - 1996.

**WAC 296-806-42056 Prohibit walking on roller-type conveyors.**

- Requirements in this section were moved from WAC 296-24-21515.

**WAC 296-806-42058 Use speed controls for roller and wheel conveyors.**

- Requirements in this section were moved from ASME B20.1 - 1996.

**WAC 296-806-42060 Safeguard belt-driven live roller conveyors.**

- Requirements in this section were moved from ASME B20.1 - 1996.

**WAC 296-806-42062 Guard screw conveyors.**

- Requirements in this section were moved from ASME B20.1 - 1996.

**WAC 296-806-42064 Provide slack-cable switches on hoists.**

- Requirements in this section were moved from ASME B20.1 - 1996.

**WAC 296-806-42066 Block the skip bucket and counterweight guides.**

- Requirements in this section were moved from ASME B20.1 - 1996.

**WAC 296-806-42068 Protect against wire rope coming off sheaves.**

- Requirements in this section were moved from ASME B20.1 - 1996.

**WAC 296-806-42070 Safeguard slat and roller-slat conveyors.**

- Requirements in this section were moved from ASME B20.1 - 1996.

**WAC 296-806-42072 Provide a safe method for disengaging the tow pin.**

- Requirements in this section were moved from ASME B20.1 - 1996.

**WAC 296-806-42074 Protect employees from moving carts on towed conveyors.**

- Requirements in this section were moved from ASME B20.1 - 1996.

**WAC 296-806-42076 Provide clearances and warnings for carts on towed conveyors.**

- Requirements in this section were moved from ASME B20.1 - 1996.

**WAC 296-806-42078 Mark projections above the floor.**

- Requirements in this section were moved from ASME B20.1 - 1996.

**WAC 296-806-425 Summary.**

- Requirements relating to food processing equipment have been moved from chapter 296-302 WAC.

**WAC 296-806-42502 Provide locks on chamber doors of large air conditioning units.**

- Requirements in this section were moved from WAC 296-302-050.

**WAC 296-806-42504 Use proper door locks on rack-type bread coolers.**

- Requirements in this section were moved from WAC 296-302-050.

**WAC 296-806-42506 Provide see-through panels on fermentation room doors.**

- Requirements in this section were moved from WAC 296-302-050.

**WAC 296-806-42508 Cover exposed hot pipes.**

- Requirements in this section were moved from 29 C.F.R. 1910.263.

**WAC 296-806-42510 Provide extension piping on stationary lubrication fittings.**

- Requirements in this section were moved from WAC 296-302-02501.

**WAC 296-806-42512 Provide hoods for pan washing tanks.**

- Requirements in this section were moved from WAC 296-302-050.

**WAC 296-806-42514 Safeguard proof boxes.**

- Requirements in this section were moved from WAC 296-302-050.

**WAC 296-806-42516 Safeguard storage bins.**

- Requirements in this section were moved from WAC 296-302-02511.

**WAC 296-806-42518 Follow these design requirements for bag lifts (bag arm elevators) and chutes.**

- Requirements in this section were moved from WAC 296-302-02503.

**WAC 296-806-42520 Follow these requirements for chain tackle.**

- Requirements in this section were moved from WAC 296-302-050.

**WAC 296-806-42522 Safeguard conveyors.**

- Requirements in this section were moved from WAC 296-302-02513.

- Requirements in this section were moved from WAC 296-302-050.

**WAC 296-806-42524 Use properly designed covers for screw conveyors (augers).**

- Requirements in this section were moved from WAC 296-302-02513.

**WAC 296-806-42526 Safeguard pallet jacks and hand trucks.**

- Requirements in this section were moved from WAC 296-302-050.

**WAC 296-806-42528 Safeguard bakery slicers.**

- Requirements in this section were moved from WAC 296-302-05501.

**WAC 296-806-42530 Safeguard bakery wrapping machines.**

- Requirements in this section were moved from WAC 296-302-05503.

**WAC 296-806-42532 Provide troughs with antifriction-bearing casters.**

- Requirements in this section were moved from WAC 296-302-050.

**WAC 296-806-42534 Follow these requirements for trough hoists and similar equipment.**

- Requirements in this section were moved from WAC 296-302-050.

**WAC 296-806-42536 Follow these requirements for dividers.**

- Requirements in this section were moved from WAC 296-302-035.

**WAC 296-806-42538 Safeguard manually-fed dough and cross-roll brakes.**

- Requirements in this section were moved from WAC 296-302-045.

**WAC 296-806-42540 Provide a guard or tripping device on reversible dough brakes.**

- Requirements in this section were moved from WAC 296-302-060.

**WAC 296-806-42542 Follow these requirements for doughnut machines.**

- Requirements in this section were moved from WAC 296-302-050.

**WAC 296-806-42544 Follow these requirements for dumpbins and blenders.**

- Requirements in this section were moved from WAC 296-302-02505.

**WAC 296-806-42546 Follow these requirements for flour-handling machines.**

- Requirements in this section were moved from WAC 296-302-025.

**WAC 296-806-42548 Follow these requirements for traveling or track-type flour scales.**

- Requirements in this section were moved from WAC 296-302-02517.

**WAC 296-806-42550 Follow these requirements for food grinders and cutters.**

- Requirements in this section were moved from WAC 296-302-060.

**WAC 296-806-42552 Provide covers with interlocks on ingredient premixers, emulsifiers, and similar machines.**

- Requirements in this section were moved from WAC 296-302-050.

**WAC 296-806-42554 Follow these requirements for open fat kettles.**

- Requirements in this section were moved from WAC 296-302-050.

**WAC 296-806-42556 Follow these requirements for steam kettles.**

- Requirements in this section were moved from WAC 296-302-050.

**WAC 296-806-42558 Follow these requirements for chocolate melting, refining and mixing kettle.**

- Requirements in this section were moved from WAC 296-302-060.

**WAC 296-806-42560 Safeguard meat-processing equipment (circular meat-cutting saws).**

- Requirements in this section were moved from WAC 296-24-15001.

**WAC 296-806-42562 Follow these requirements for horizontal dough mixers.**

- Requirements in this section were moved from WAC 296-302-03001.

**WAC 296-806-42564 Follow these requirements for vertical mixers.**

- Requirements in this section were moved from WAC 296-302-03003.

**WAC 296-806-42566 Follow these requirements for mechanical-feed moulders.**

- Requirements in this section were moved from WAC 296-302-040.

**WAC 296-806-42568 Follow these requirements for hand-fed moulders.**

- Requirements in this section were moved from WAC 296-302-040.

**WAC 296-806-42570 Design, install, and construct your ovens according to these requirements.**

- Requirements in this section were moved from WAC 296-302-065 through 296-302-06531.

**WAC 296-806-42572 Properly locate emergency "stop" buttons and main shut off valves for ovens.**

- Requirements in this section were moved from WAC 296-302-065 through 296-302-06531.

**WAC 296-806-42574 Inspect and test safety devices on ovens.**

- Requirements in this section were moved from WAC 296-302-065 through 296-302-06531.

**WAC 296-806-42576 Follow these requirements for peanut-cooling trucks.**

- Requirements in this section were moved from WAC 296-302-060.

**WAC 296-806-42578 Follow these requirements for pretzel rolling, pretzel stick extruding, rotary, and die machines.**

- Requirements in this section were moved from WAC 296-302-060.

**WAC 296-806-42580 Safeguard box and roll-type dough sheeters.**

- Requirements in this section were moved from WAC 296-302-060.

**WAC 296-806-42582 Provide proper enclosures for sifters.**

- Requirements in this section were moved from WAC 296-302-02501.
- Requirements in this section were moved from WAC 296-302-02515.

**WAC 296-806-42584 Follow these requirements for sugar and spice pulverizers.**

- Requirements in this section were moved from WAC 296-302-060.

**WAC 296-806-430 Summary.**

- Requirements in this section were moved from WAC 296-24-200 through 296-24-20021.

**WAC 296-806-43002 Follow these safety requirements when using lead and lead casts.**

- Requirements in this section were moved from WAC 296-24-200 through 296-24-20021.

**WAC 296-806-43004 Properly inspect and maintain forging equipment.**

- Requirements in this section were moved from WAC 296-24-200 through 296-24-20021.

**WAC 296-806-43006 Use safety blocks on hammers and presses.**

- Requirements in this section were moved from WAC 296-24-200 through 296-24-20021.

**WAC 296-806-43008 Make sure tongs meet these requirements.**

- Requirements in this section were moved from WAC 296-24-200 through 296-24-20021.

**WAC 296-806-43010 Protect employees when removing scale.**

- Requirements in this section were moved from WAC 296-24-200 through 296-24-20021.

**WAC 296-806-43012 Provide adequate foundations for hammers and presses.**

- Requirements in this section were moved from WAC 296-24-200 through 296-24-20021.

**WAC 296-806-43014 Follow these requirements for manually operated valves and switches.**

- Requirements in this section were moved from WAC 296-24-200 through 296-24-20021.

**WAC 296-806-43016 Use die keys and shims made of proper-grade material.**

- Requirements in this section were moved from WAC 296-24-200 through 296-24-20021.

**WAC 296-806-43018 Provide a safety cylinder head.**

- Requirements in this section were moved from WAC 296-24-200 through 296-24-20021.

**WAC 296-806-43020 Provide a shutoff valve.**

- Requirements in this section were moved from WAC 296-24-200 through 296-24-20021.

**WAC 296-806-43022 Provide a means for cylinder draining.**

- Requirements in this section were moved from WAC 296-24-200 through 296-24-20021.

**WAC 296-806-43024 Follow these requirements for pressure pipes.**

- Requirements in this section were moved from WAC 296-24-200 through 296-24-20021.

**WAC 296-806-43026 Follow these requirements when using board hammers.**

- Requirements in this section were moved from WAC 296-24-200 through 296-24-20021.

**WAC 296-806-43028 Protect against sparks from saws.**

- Requirements in this section were moved from WAC 296-24-200 through 296-24-20021.

**WAC 296-806-435 Summary.**

- Requirements in this section were moved from WAC 296-24-15001.

**WAC 296-806-43502 Safeguard garbage (waste) disposal equipment.**

- Requirements in this section were moved from WAC 296-24-15001.

**WAC 296-806-440 Summary.**

- Requirements in this section were moved from WAC 296-24-16537.

**WAC 296-806-44002 Provide guards and automatic shutoffs on glue spreaders.**

- Requirements in this section were moved from WAC 296-24-16537.

**WAC 296-806-445 Summary.**

- Requirements in this section were moved from ANSI B 11.6.

**WAC 296-806-44502 Safeguard ironworkers point of operation.**

- Requirements in this section were moved from ANSI B 11.6.

**WAC 296-806-44504 Follow these requirements for adjustable restrictors when safeguarding ironworkers.**

- Requirements in this section were moved from ANSI B 11.6.

**WAC 296-806-450 Summary.**

- Requirements in this section were moved from ANSI B 11.6.

**WAC 296-806-45002 Provide shields or guards on metal lathes for chip or coolant hazards.**

- Requirements in this section were moved from ANSI B 11.6.

**WAC 296-806-45004 Safeguard work-holding devices (chucks).**

- Requirements in this section were moved from ANSI B 11.6.

**WAC 296-806-45006 Follow these requirements for chip control and handling.**

- Requirements in this section were moved from ANSI B 11.6.

**WAC 296-806-45008 Safeguard power-clamping devices.**

- Requirements in this section were moved from ANSI B 11.6.

**WAC 296-806-45010 Restrain extended workpieces on horizontal lathes.**

- Requirements in this section were moved from ANSI B 11.6.

**WAC 296-806-45012 Guard cutting heads on profile lathes and swing-head lathes.**

- Requirements in this section were moved from WAC 296-24-16531.

**WAC 296-806-45014 Guard cutting heads on turning lathes.**

- Requirements in this section were moved from WAC 296-24-16531.

**WAC 296-806-45016 Guard automatic turning lathes.**

- Requirements in this section were moved from WAC 296-24-16531.

**WAC 296-806-45018 Guard wood lathes used for turning long pieces of stock.**

- Requirements in this section were moved from WAC 296-24-16531.

**WAC 296-806-455 Summary.**

- Requirements in this section were moved from WAC 296-24-195 through 296-24-19517.

**WAC 296-806-45502 Make sure mechanical power presses are properly designed and constructed.**

- Requirements in this section were moved from WAC 296-24-195 through 296-24-19517.

**WAC 296-806-45504 Safeguard presses that use unitized tooling.**

- Requirements in this section were moved from WAC 296-24-195 through 296-24-19517.

**WAC 296-806-45506 Protect operators from guidepost hazards.**

- Requirements in this section were moved from WAC 296-24-195 through 296-24-19517.

**WAC 296-806-45508 Safeguard the point of operation.**

- Requirements in this section were moved from WAC 296-24-195 through 296-24-19517.

**WAC 296-806-45510 Make sure point-of-operation guards are properly designed and constructed.**

- Requirements in this section were moved from WAC 296-24-195 through 296-24-19517.

**WAC 296-806-45512 Make sure barrier guards meet these requirements.**

- Requirements in this section were moved from WAC 296-24-195 through 296-24-19517.

**WAC 296-806-45514 Make sure point-of-operation devices are effective.**

- Requirements in this section were moved from WAC 296-24-195 through 296-24-19517.

**WAC 296-806-45516 Make sure presence-sensing devices used to safeguard the point of operation meet these requirements.**

- Requirements in this section were moved from WAC 296-24-195 through 296-24-19517.

**WAC 296-806-45518 Make sure pull-back devices used to safeguard the point of operation meet these requirements.**

- Requirements in this section were moved from WAC 296-24-195 through 296-24-19517.

**WAC 296-806-45520 Make sure restraint (holdout) devices used to safeguard the point of operation meet these requirements.**

- Requirements in this section were moved from WAC 296-24-195 through 296-24-19517.

**WAC 296-806-45522 Make sure two-hand control devices used to safeguard the point of operation meet these requirements.**

- Requirements in this section were moved from WAC 296-24-195 through 296-24-19517.

**WAC 296-806-45524 Make sure two-hand trip devices used to safeguard the point of operation meet these requirements.**

- Requirements in this section were moved from WAC 296-24-195 through 296-24-19517.

**WAC 296-806-45526 Provide additional safeguards when the operator puts one or both hands into the point of operation.**

- Requirements in this section were moved from WAC 296-24-195 through 296-24-19517.

**WAC 296-806-45528 Establish die setting procedures.**

- Requirements in this section were moved from WAC 296-24-195 through 296-24-19517.

**WAC 296-806-45530 Handle dies safely.**

- Requirements in this section were moved from WAC 296-24-195 through 296-24-19517.

**WAC 296-806-45532 Protect die setters during setup and tryout.**

- Requirements in this section were moved from WAC 296-24-195 through 296-24-19517.

**WAC 296-806-45534 Train press operators.**

- Requirements in this section were moved from WAC 296-24-195 through 296-24-19517.

**WAC 296-806-45536 Operate mechanical power presses safely.**

- Requirements in this section were moved from WAC 296-24-195 through 296-24-19517.

**WAC 296-806-45538 Provide tools and other means to protect press operators.**

- Requirements in this section were moved from WAC 296-24-195 through 296-24-19517.

**WAC 296-806-45540 Inspect and maintain presses.**

- Requirements in this section were moved from WAC 296-24-195 through 296-24-19517.

**WAC 296-806-45542 Make sure presses and operating practices used in PSDI (presence sensing device initiation) mode of operation meet these requirements.**

- Requirements in this section were moved from WAC 296-24-195 through 296-24-19517.

**WAC 296-806-460 Summary.**

- Requirements in this section were moved from WAC 296-24-190 through 296-24-19015.

**WAC 296-806-46002 Meet height requirements for mill rolls.**

- Requirements in this section were moved from WAC 296-24-190 through 296-24-19015.

**WAC 296-806-46004 Provide mill safety controls.**

- Requirements in this section were moved from WAC 296-24-190 through 296-24-19015.

**WAC 296-806-46006 Follow these stopping limit requirements for mills.**

- Requirements in this section were moved from WAC 296-24-190 through 296-24-19015.

**WAC 296-806-465 Summary.**

- Requirements in this section were moved from ANSI B 11 and OSHA CPL 2-1.25.

**WAC 296-806-46502 Provide auxiliary safety aids on press brakes.**

- Requirements in this section were moved from OSHA CPL 2-1.25.

**WAC 296-806-46504 Safeguard the point of operation on press brakes.**

- Requirements in this section were moved from OSHA CPL 2-1.25.

**WAC 296-806-46506 Follow this requirement when using safe distance safeguarding.**

- Requirements in this section were moved from OSHA CPL 2-1.25.

**WAC 296-806-46508 Develop a safe distance safeguarding program for press brakes.**

- Requirements in this section were moved from OSHA CPL 2-1.25.

**WAC 296-806-46510 Follow these requirements for safe distance training for press brakes.**

- Requirements in this section were moved from OSHA CPL 2-1.25.

**WAC 296-806-46512 Require safe distance refresher training for press brake operations.**

- Requirements in this section were moved from OSHA CPL 2-1.25.

**WAC 296-806-46514 Conduct periodic safe distance inspections on press brakes.**

- Requirements in this section were moved from OSHA CPL 2-1.25.

**WAC 296-806-46516 Supervise the safe distance program for press brakes.**

- Requirements in this section were moved from OSHA CPL 2-1.25.

**WAC 296-806-470 Summary.**

- Requirements in this section were moved from ANSI B 11 and chapter 296-24 WAC.

**WAC 296-806-47002 Follow these requirements for machine initiation.**

- Requirements in this section were moved from ANSI B 11.12 - 1996.

**WAC 296-806-47004 Safeguarding nip points of roll-forming and bending machines.**

- Requirements in this section were moved from ANSI B 11.12 - 1996.

**WAC 296-806-475 Summary.**

- Requirements in this section were moved from WAC 296-24-16533.

**WAC 296-806-47502 Guard drum sanders.**

- Requirements in this section were moved from WAC 296-24-16533.

**WAC 296-806-47504 Guard disk sanders.**

- Requirements in this section were moved from WAC 296-24-16533.

**WAC 296-806-47506 Guard belt sanders.**

- Requirements in this section were moved from WAC 296-24-16533.

**WAC 296-806-47508 Follow these requirements for feed roll guarding.**

- Requirements in this section were moved from WAC 296-24-16533.

**WAC 296-806-480 Summary.**

- Requirements in this section were moved from WAC 296-24-165 through 296-806-16539.

**WAC 296-806-48002 Protect employees using saws and cutting heads.**

- Requirements in this section were moved from WAC 296-24-165 through 296-806-16539.

**WAC 296-806-48004 Make sure saws and cutting heads are sharpened and tensioned by qualified people.**

- Requirements in this section were moved from WAC 296-24-165 through 296-806-16539.

**WAC 296-806-48006 Make sure saws are safe to use.**

- Requirements in this section were moved from WAC 296-24-165 through 296-806-16539.

**WAC 296-806-48008 Make sure all circular saws meet these requirements.**

- Requirements in this section were moved from WAC 296-24-165 through 296-806-16539.

**WAC 296-806-48010 Make sure circular saw gages meet these requirements.**

- Requirements in this section were moved from WAC 296-24-165 through 296-806-16539.

**WAC 296-806-48012 Safeguard hand-fed circular table saws.**

- Requirements in this section were moved from WAC 296-24-165 through 296-806-16539.

**WAC 296-806-48014 Provide kickback protection for employees using hand-fed circular table rip saws when ripping wood products.**

- Requirements in this section were moved from WAC 296-24-165 through 296-806-16539.

**WAC 296-806-48016 Safeguard self-feed circular saws.**

- Requirements in this section were moved from WAC 296-24-165 through 296-806-16539.

**WAC 296-806-48018 Provide kickback protection for self-feed circular rip saws when ripping wood products.**

- Requirements in this section were moved from WAC 296-24-165 through 296-806-16539.

**WAC 296-806-48020 Guard circular resaws.**

- Requirements in this section were moved from WAC 296-24-165 through 296-806-16539.

**WAC 296-806-48022 Provide spreaders for circular resaws.**

- Requirements in this section were moved from WAC 296-24-165 through 296-806-16539.

**WAC 296-806-48024 Protect employees from automatic saw hazards.**

- Requirements in this section were moved from WAC 296-24-165 through 296-806-16539.

**WAC 296-806-48026 Guard inverted swing (jump) saws.**

- Requirements in this section were moved from WAC 296-24-165 through 296-806-16539.

**WAC 296-806-48028 Guard miter saws.**

- Requirements in this section were moved from WAC 296-24-165 through 296-806-16539.

**WAC 296-806-48030 Guard radial saws.**

- Requirements in this section were moved from WAC 296-24-165 through 296-806-16539.

**WAC 296-806-48032 Limit the travel of radial saws.**

- Requirements in this section were moved from WAC 296-24-165 through 296-806-16539.

**WAC 296-806-48034 Provide kickback protection for radial saws used for ripping wood products.**

- Requirements in this section were moved from WAC 296-24-165 through 296-806-16539.

**WAC 296-806-48036 Guard revolving double arbor doors.**

- Requirements in this section were moved from WAC 296-24-165 through 296-806-16539.

**WAC 296-806-48038 Guard swing saws.**

- Requirements in this section were moved from WAC 296-24-165 through 296-806-16539.

**WAC 296-806-48040 Limit the travel of swing saws.**

- Requirements in this section were moved from WAC 296-24-165 through 296-806-16539.

**WAC 296-806-48042 Make sure bandsaws meet these requirements.**

- Requirements in this section were moved from WAC 296-24-165 through 296-806-16539.

**WAC 296-806-48044 Protect employees from drag saw hazards.**

- Requirements in this section were moved from WAC 296-24-165 through 296-806-16539.



**WAC 296-806-48046 Maintain and balance knives and cutting heads.**

- Requirements in this section were moved from WAC 296-24-16539.

**WAC 296-806-48048 Make sure boring and mortising machines meet these requirements.**

- Requirements in this section were moved from WAC 296-24-16525.

**WAC 296-806-48050 Follow these requirements for chipper mills.**

- Requirements in this section were moved from WAC 296-78-84007.

**WAC 296-806-48052 Follow these requirements for hog mills.**

- Requirements in this section were moved from WAC 296-78-84007.

**WAC 296-806-48054 Protect employees from falling into chipper and hog mills.**

- Requirements in this section were moved from WAC 296-78-84007.

**WAC 296-806-48056 Make sure jointers with horizontal cutting heads meet these requirements.**

- Requirements in this section were moved from WAC 296-24-16521.

**WAC 296-806-48058 Guard horizontal cutting heads on hand-fed jointers.**

- Requirements in this section were moved from WAC 296-24-16521.

**WAC 296-806-48060 Guard vertical cutting heads on jointers.**

- Requirements in this section were moved from WAC 296-24-16521.

**WAC 296-806-48062 Make sure molding, sticking and matching machines meet these requirements.**

- Requirements in this section were moved from WAC 296-24-16529.

**WAC 296-806-48064 Guard hand-fed panel raisers and other similar machines.**

- Requirements in this section were moved from WAC 296-24-16527.

**WAC 296-806-48066 Make sure planers with a horizontal cutting head meet these requirements.**

- Requirements in this section were moved from WAC 296-24-16521.

**WAC 296-806-48068 Guard planers.**

- Requirements in this section were moved from WAC 296-24-16529.

**WAC 296-806-48070 Guard planer feed rolls.**

- Requirements in this section were moved from WAC 296-24-16529.

**WAC 296-806-48072 Provide kickback protection on planers running stock of varied thickness.**

- Requirements in this section were moved from WAC 296-24-16529.

**WAC 296-806-48074 Make sure shapers meet these requirements.**

- Requirements in this section were moved from WAC 296-24-16527.

**WAC 296-806-48076 Guard tenoning machine feed chains and sprockets.**

- Requirements in this section were moved from WAC 296-24-16523.

**WAC 296-806-48078 Guard tenoning machines.**

- Requirements in this section were moved from WAC 296-24-16523.

**WAC 296-806-48080 Guard veneer cutters and wringer knives.**

- Requirements in this section were moved from WAC 296-24-16535.

**WAC 296-806-48082 Guard veneer clippers.**

- Requirements in this section were moved from WAC 296-24-16535.

**WAC 296-806-48084 Follow these requirements for guarding guillotine cutters.**

- Requirements in this section were moved from WAC 296-24-16535.

**WAC 296-806-48086 Provide mechanisms to stop power-driven guillotine cutters.**

- Requirements in this section were moved from WAC 296-24-16535.

**WAC 296-806-48088 Prohibit riders on veneer slicer carriages.**

- Requirements in this section were moved from WAC 296-24-16535.

**WAC 296-806-485 Summary.**

- Requirements in this section were moved from WAC 296-24-20527.

**WAC 296-806-48502 Guard sewing machine needles.**

- Requirements in this section were moved from WAC 296-24-20527.

**WAC 296-806-500 Definitions.**

- The following definitions have been added or moved from chapters 296-24 and 296-302 WAC:
  - Abrasive wheel, adjustable barrier guard, air-lift hammer, anti-repeat, arbor, authorized person, awareness barrier, barricade, barrier guard, belt conveyors, belt pole, belt shifter, bench grinder, bending, blade, blanking, blind hole, blotter, board hammer, bolster plate, brake, chain conveyor, channel blanking, chipper, chuck, clutch, comb, concurrent, cone pulley, cone and plug wheels (Types 16, 17, 18, 18R, and 19), control system, coping-notching, counterbalance, cutting-off

wheels, cutting tool or saw blade, cycle, dado, device, die or diés, die enclosure guard, die setter, die setting, die shoe, die shuteight, divider, dough sheeter, dressed, drilling/boring machine, dross, dump bin and blender, face of the slide, feather board/comb, feeding, fence, fixed barricade, fixed barrier guard, fixed blade, fixed blanking, fixture/jig, flanges, floating blanking (floating window), floorstand grinder, forging, forging presses, full revolution clutch, gage, gap (throat), gate or movable barrier device, guard (abrasive wheels), guard, guidepost, hazard, hazard area, hog, horizontal lathe, idler (pulley), inch, indirect recirculating ovens, interlocked barrier guard, inverted swing and jump saws, ironworker, jig, jog, jointer, jump saw, kerf, kickback, live roller conveyor, mandrel, manlift, manual feeding, maximum exposure angle, miter gage, miter saw, mode, modified types 6 and 11 wheels (terrazzo), molding machine, mortiser, moulder, mounted wheels, movable barrier device, nip-point belt and pulley guard, off-hand grinding, overland conveyor, part revolution clutch, pedestal grinder, pinch point, planer, point of operation, power-driven hammers, power transmission parts, presence-sensing device, presence-sensing device initiation (PSDI), pull-back device, push block, pusher-bar conveyor, push stick, racks, reinforced wheels, repeat, restraint device, return-belt idlers, ripping, rivet-making machines, riving knife, SFPM, safeguarding by location, safeguarding by distance, safeguarding device, safety block, safety cylinder, safety cylinder head, scale, screw conveyor, shaper, sheeter, sifter, single stroke mechanism, slat and roller slat conveyor, slide, snagging, spreader, steam hammers, stripper, surface feet per minute (SFPM), sweep device, swing saw/overhead swing cutoff saw, tenoning machine, terrazzo, threaded hole wheels, tongs, tooling, tongue guard, top grinding, towed conveyor, trimming presses, trip (or tripping), trued, turnover bar, two-hand device, two-hand trip device, Type A movable gate, Type B movable gate, Type 1 wheel, Type 2 wheel, Type 6 wheel, Type 11 wheel, Type 16, 17, 18, 18R, and 19 wheels, Type 27 wheel, Type 27A cutting-off wheel, Type 28 wheel, Type 29 wheel, unitized tooling, upsetters (or forging machines, or headers), and wood products.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Statute Being Implemented: Chapter 49.17 RCW.

Summary: This rule making is part of our four-year plan to rewrite for clarity all of our general occupational safety and health rules. Machine guarding requirements located in chapters 296-24, 296-78, and 296-302 WAC were reviewed to identify unnecessary design requirements, outdated terminology, incorporate necessary policies and requirements, rewriting and reorganizing for clarity and consolidate into one rule, chapter 296-806 WAC. See also Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, Tumwater, (360) 902-5530; Implementation and Enforcement: Michael A. Silverstein, Tumwater, (360) 902-5495.

Name of Proponent: Department of Labor and Industries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The machine safety rules will assist in protecting workers from moving parts that create the possibility for workplace injuries. Providing safeguards is essential for eliminating or controlling the hazards. There are no anticipated effects due to the rule making.

Proposal Changes the Following Existing Rules: This proposed rule in chapter 296-806 WAC would require all employers in Washington using hog mills, chippers and other stationary machinery to comply with certain requirements to reduce the risk of injury to machine operators and nearby personnel. Chippers and hog mills would require protective safeguarding outlined in the rule summary section of this document. Work areas around stationary machinery would be required to allow for the unimpeded flow of materials and movement of operators, which is also outlined in the rule summary section.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

#### Small Business Economic Impact Statement

**Executive Summary:** The Department of Labor and Industries (L&I) has rewritten the machine safety requirements in chapter 296-24 WAC, General safety and health standards; chapter 296-78 WAC, Safety standards for sawmills and woodworking operations; and chapter 296-302 WAC, Safety standards for bakery equipment, for clarity and ease of use for employers and employees. This rewrite is part of L&I's plain language initiative. The requirements from chapters 296-24, 296-78 and 296-302 WAC will be moved into chapter 296-806 WAC, Machine safety. This small business economic impact statement (SBEIS) addresses the economic impacts on businesses affected by these four sections of the rule as required by the Regulatory Fairness Act (RFA). The requirements of the RFA are outlined later in this document. The sections of this rule making requiring economic analysis are:

**Chippers and Hog Mills:** WAC 296-806-48050 Follow these requirements for chipper mills, 296-806-48052 Follow these requirements for hog mills, 296-806-48054 Protect employees from falling into chipper and hog mills.

**Work Area:** WAC 296-806-20006 Arrange work areas to avoid creating hazards.

This proposed rule in chapter 296-806 WAC would require all nonagricultural employers in Washington using hog mills, chippers and other stationary machinery to comply with certain requirements to reduce the risk of injury to machine operators and nearby personnel. Chippers and hog mills would require protective safeguarding outlined in the rule summary section of this document. Work areas around stationary machinery would be required to allow for the unimpeded flow of materials and movement of operators, which is also outlined in the rule summary section.

These proposed rule requirements for chippers, hog mills and stationery machine work area are currently only in force for very specific industries in Washington. The proposed

rule would expand their coverage to all nonagricultural industries that use these machines. This rule-making process is necessary to provide equal worker protection across all nonagricultural industries.

Mail surveys were conducted to estimate the compliance costs for the proposed rule. The hog mill survey revealed full compliance with the rule, therefore no disproportionate impact for small business can be said to exist as a result of this component of the rule.

The chipper survey showed that some affected firms would incur costs. The estimated cost per employee of the two small firms was four dollars and seventy-six cents and thirteen dollars respectively. The estimated cost per employee of the one large firm reporting is twenty-one dollars and ninety-six cents. Since large firms reported an expected cost per employee significantly higher than that of small firms, no disproportionate cost impact can be said to result from the rule.

With respect to the work area requirement, one firm did report expected and expected one-time compliance cost of one hundred thousand dollars. However, this firm reported that they had one hundred employees which makes it a large firm as defined under the statute. Therefore the costs that the firm reported can not be said to have a disproportionate impact on small business.

**Economic Requirements of the Regulatory Fairness Act:** Proposed rules and rule amendments must meet the requirements of the RFA, chapter 19.85 RCW before adoption. The RFA is intended to ensure, if legal and feasible, that rules do not impose disproportionate economic burdens on small businesses compared to larger businesses. The RFA requires that an SBEIS be prepared for proposed rules that impose more than minor costs on businesses in an industry. Although the (de minimis) value of a minor cost is not specified in statute, it has been widely interpreted in practice to mean \$50 or less<sup>1</sup> per business in real or constant 1990 dollars.

According to the RFA, the SBEIS must contain the following:

1) A brief description of the reporting, record keeping and other compliance requirement of the proposed rule along with the kinds of professional services that a small business is likely to need for compliance.

2) An analysis of all the business compliance costs of the proposed rule.

3) Consider whether compliance with the rule will cause businesses to lose sales or revenues.

4) The compliance cost of proposed regulations on small businesses<sup>2</sup> is estimated and compared to the compliance cost estimates for the largest 10% of businesses<sup>3</sup> in an industry. These cost comparisons can be estimated as per employee business costs.

5) A statement of the steps taken by the agency to reduce the costs of the rule on small businesses as require by RCW 19.85.030(2), or reasonable justification for not doing so, addressing the options listed in RCW 19.85.030(2).

6) A description of how the agency will involve small businesses in the development of the rule.

7) A list of industries that will be required to comply with the rule. However, this shall not be construed to pre-

clude application of the rule to any business or industry to which it would otherwise apply.

The economic analysis in this SBEIS is based on new requirements that are not incorporated in national consensus codes.

**Summary of the Proposed Rule:** All analysis and conclusions contained in this SBEIS are based on the following requirements of the proposed rule (note that these requirements are for firms in all industries using the specified equipment).

1) Chippers and hog mill workplaces shall be operated in conformity with the following:

- Feed systems are arranged such that the operator does not stand in a direct line with the chipper blades or spout (hopper).
- The operator shall be protected from chips or chunks being thrown out from the blades while feeding the machine.
- The chipper's spout shall be enclosed to a height or distance of at least forty inches from the floor or operators station whichever is higher.
- A mirror or other viewing device shall be provided to permit monitoring of material when the operator otherwise could not readily observe the material being fed into the chipper.
- A safety belt (or harness) and a lifeline short enough to prevent employees working near the entrance from falling in the hog mill or chipper shall be provided.

2) This would require that work areas around fixed processing machinery provide enough free space that:

- Each operator can clean and handle material with the least interference from other workers or machines.
- Each operator does NOT have to stand in the way of passing traffic.
- Employees can bring in and remove materials safely.

Labor and industries has determined that no reporting, record-keeping or other compliance costs would arise from the proposed rule other than modifying or adding safety equipment or expanding work areas.

**Survey Data:** Department staff designed two separate survey instruments to assist in this analysis. Industries chosen for the first survey were considered likely to have chippers and/or hog mills as they are used for similar procedures; therefore, the survey questions for chippers and hog mills were combined on the same page and sent to a randomly-selected number of firms in those SICs. The second survey went to industries that were considered likely to be subject to the work area requirements of the rule. Note that these requirements apply to all nonagricultural firms that have the specified machinery, and not just the standard industrial classifications (SIC) listed. The industries targeted in the survey and their SICs are as follows:

#### Chippers and Hog Mills

Number in Population:	2,041
Number of Firms Surveyed:	1,000

#### Industries Surveyed:

2431	Millwork
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**Industries Surveyed:**

- 2434 Wood Kitchen Cabinets
- 2439 Structural Wood Members, Not Elsewhere Classified
- 2441 Nailed and Lock Corner Wood Boxes and Shook
- 2448 Wood Pallets and Skids
- 2449 Wood Containers Not Elsewhere Classified
- 2493 Reconstituted Wood Products
- 2499 Wood Products, Not Elsewhere Classified
- 3084 Plastics Pipe
- 3085 Plastics Bottles
- 3086 Plastics Foam Products
- 3087 Custom Compounding of Purchased Plastics Resins
- 3088 Plastics Plumbing Fixtures
- 3089 Plastics Products, Not Elsewhere Classified
- 3931 Musical Instruments
- 3995 Burial Caskets
- 5712 Furniture Stores

**Work Area Requirements**

- Number in Population: 670
- Number of Firms Surveyed: 670

**Industries Surveyed:**

- 2261 Finishers of Broadwoven Fabrics of Cotton
- 2653 Corrugated and Solid Fiber Boxes
- 2679 Converted Paper and Paperboard Products, Not Elsewhere Classified
- 3221 Glass Containers
- 3531 Construction Machinery and Equipment Manufacturing
- 3553 Woodworking Machinery Manufacturing
- 3599 Industrial and Commercial Machinery and Equipment Manufacturing, Not Elsewhere Classified (Largely consisting of machine shops in Washington)
- 3949 Sporting and Athletic Goods Manufacturing, Not Elsewhere Classified

**Response Statistics for Chipper and Hog Mill Survey:** Of the one thousand surveys sent to the industries identified as likely to utilize chippers and/or hog mills, two hundred forty-eight (248 or 24.8%) were returned. Of the respondents, six reported using chippers or hog mills. Of the six, two were covered under the sawmill standard and, therefore will not have their regulatory status altered by the rule in question. Of the four not covered by the sawmill standard, one was in compliance. The three remaining firms, two small firms and one large firm reported expected cost as follows\*:

Firm Size	Total Number of Employees	Expected Cost of Compliance	Cost/Employee
Small	42	\$200	\$4.76
Small	4	\$50	\$13.00
Large	140	\$3,075	\$21.96

The costs of compliance of two hundred dollars for the first small firm and fifty dollars for the second small firm stem from the need [to] install a mirror or mirrors as required by the rule. The expected cost of compliance of three thousand seventy-five dollars for the only large firm in the sample is a result of both the need to enclose their chipper spouts and install a mirror or mirrors as required by the rule. Three thousand dollars of the reported cost is for the enclosure of the chipper spouts and seventy-five dollars is for the installation of a mirror or mirrors.

**Response Statistics for Work Area Survey:** Of the six hundred and seventy surveys sent to industries identified as likely to have equipment that would make them subject to the work area requirements of the rule seventy-eight responded. Of the respondents, three reported that at least a portion of their operations would fall under the rule; however, all but one was in compliance. That single firm reported an expected one time cost of one hundred thousand dollars. This single firm reported that it employed one hundred individuals and therefore falls into the large business category.

**Economic Impact Assessment:** This section explains how the survey data was used to determine whether there is a disproportionate impact on small business pursuant to the RFA.

**Costs:** All costs reported are nonrecurring costs that occur only in the first year of the rule. Any long-term costs of the rule are likely to be maintenance costs (e.g. the cost to replace broken mirrors or safety belts/lifelines) and are likely to be quite small. Because these costs are expected to be minor, they are not estimated. Any capacity expansion for firms using chippers or hog mills are not likely to result in increased cost because all new machinery should come from the manufacturer with "industry standard" safety features in place.

**Hog Mills and Chippers:** Of the two hundred and forty-eight firms reporting, seven reported that they operated hog mills and all reported that they were currently in compliance. Since the survey results are seen as being representative of the population of hog mill-using firms, it is possible to infer that there are no cost impacts of the rule as it pertains to hog mills.

Of the survey respondents not covered by previously existing regulations, four reported that they operated chippers. One of these firms was already in compliance. Of the three remaining firms, one was large and two were small. The large firm reported an expected cost per affected employee of just about twenty-two dollars (exactly \$21.96) while the two smaller firms reported and expected cost per employee of just about five dollars (exactly \$4.76) and thirteen dollars. Given the data, it can be inferred that a large firm in an affected industry can expect to pay approximately two to three times more than a small firm in order to comply

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with the rule. Since the survey results are seen as being representative of the population of chipper-using firms, it is possible to infer that no disproportionate cost impact on small firms will result from the adoption of this rule as it pertains to chippers.

**Work Area Requirements:** As stated earlier, one firm did report expected costs of one hundred thousand dollars to bring their firm into compliance with the work area requirement. However, since this firm was a large firm and this data is seen as being representative of the population of affected firms, it is possible to infer that no disproportionate cost impact in small firms will result from the adoption of the rule as it pertains to the work area requirement.

**Conclusion:** Using the survey data and basic statistical inference, the evidence strongly supports the assertion that there will not be any disproportionate impacts on small business as a result of the proposed rule as it pertains to any of the industries surveyed.

<sup>1</sup> This amount has been calculated down to the four-digit Standard Industrial Code (SIC) level of detail for a large number of Washington state industries. These amounts were calculated by estimating 0.1 percent of profits for an average business with fifty employees in each four-digit SIC (*Guide for Facilitating Regulatory Fairness*, of 1993). These *de minimus* amounts can be adjusted for inflation to be valued current nominal values. Note that the minor amounts start at \$50 for some SICs with generally higher profits.

<sup>2</sup> The RFA defines "small business" as any business entity, including a sole proprietorship, corporation, partnership or other legal entity, that is owned and operated independently from all other businesses, and that has fifty or fewer employees. In this analysis, the number of "employees" is calculated by using full-time equivalents, of 2,000 worker hours annually as the best indicator of the number of employees.

<sup>3</sup> Note that the measure of the "largest 10% of businesses in an industry" is not defined in the RFA. While this size measure could be calculated by revenue, profits or some other measure, L&I believes that using the number of employees or FTE provides the most meaningful comparison of businesses with fifty or fewer employees. In each sector, however, the largest 10% of businesses may include at least some small businesses; in such cases, the businesses that could have been counted in both groups were included by L&I in the largest 10% and excluded from the small business calculations.

<sup>4</sup> All costs reported were costs associated with bringing chippers into compliance; hog mill users reported that they were already in compliance.

A copy of the statement may be obtained by writing to Carmen Moore, Rules Coordinator, Department of Labor and Industries, P.O. Box 44001, Olympia, WA 98504, phone (360) 902-4206, fax (360) 902-4202.

RCW 34.05.328 applies to this rule adoption. Significant rule-making criteria does apply to these rule changes due to the increase in requirements to hog mills, chippers, and stationary machine work areas.

Hearing Location: Department of Labor and Industries, Rooms S117 and S118, 7273 Linderson Way S.W., Tumwater, WA, on March 24, 2004, at 1:30 p.m.; and Red Lion Hotel Yakima Center, 607 East Yakima Avenue, Yakima, WA, on March 31, 2004, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Sally Elliott by March 8, 2004, TDD (360) 902-5484 or [yous235@lni.wa.gov](mailto:yous235@lni.wa.gov).

Submit Written Comments to: Cindy Ireland, Administrative Regulations Analyst, WISHA Services Division, P.O. Box 44620, Olympia, WA 98507-4620, fax (360) 902-5529, by April 7, 2004.

Date of Intended Adoption: June 1, 2004.

January 20, 2004

Paul Trause

Director

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

**WAC 296-24-69003 Spot and seam welding machines (nonportable).** (1) Voltage. All external weld initiating control circuits shall operate on low voltage, not over 120 volts.

(2) Capacitor welding. Stored energy or capacitor discharge type of resistance welding equipment and control panels involving high voltage (over 550 volts) shall be suitably insulated and protected by complete enclosures, all doors of which shall be provided with suitable interlocks and contacts wired into the control circuit (similar to elevator interlocks). Such interlocks or contacts shall be so designed as to effectively interrupt power and short circuit all capacitors when the door or panel is open. A manually operated switch or suitable positive device shall be installed, in addition to the mechanical interlocks or contacts, as an added safety measure assuring absolute discharge of all capacitors.

(3) Interlocks. All doors and access panels of all resistance welding machines and control panels shall be kept locked and interlocked to prevent access, by unauthorized persons, to live portions of the equipment.

(4) Guarding. All press welding machine operations, where there is a possibility of the operator's fingers being under the point of operation, shall be effectively (~~guarded by the use of a device such as an electronic eye safety circuit, two hand controls or protections similar to that prescribed for punch press operation, WAC 296-24-19501 through 296-24-19513~~) safeguarded according to the machine safety requirements in WAC 296-806-20044 through 296-806-20054. All chains, gears, operating bus linkage, and belts shall be protected by adequate guards, in accordance with (~~WAC 296-24-20501 through 296-24-20533~~) the machine safety requirements in WAC 296-806-20042.

(5) Shields. The hazard of flying sparks shall be, wherever practical, eliminated by installing a shield guard of safety glass or suitable fire-resistant plastic at the point of operation. Additional shields or curtains shall be installed as necessary to protect passing persons from flying sparks. (See WAC 296-24-70003 (1)(c).)

(6) Foot switches. All foot switches shall be guarded to prevent accidental operation of the machine.

(7) Stop buttons. Two or more safety emergency stop buttons shall be provided on all special multispot welding machines, including 2-post and 4-post weld presses.

(8) Safety pins. On large machines, four safety pins with plugs and receptacles (one in each corner) shall be provided so that when safety pins are removed and inserted in the ram or platen, the press becomes inoperative.

(9) Grounding. Where technically practical, the secondary of all welding transformers used in multispot, protection and seam welding machines shall be grounded. This may be done by permanently grounding one side of the welding secondary current circuit. Where not technically practical, a cen-

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ter tapped grounding reactor connected across the secondary or the use of a safety disconnect switch in conjunction with the welding control are acceptable alternates. Safety disconnect shall be arranged to open both sides of the line when welding current is not present.

**AMENDATORY SECTION** (Amending WSR 00-08-078, filed 4/4/00, effective 7/1/00)

**WAC 296-24-88020 Powered platform installations—Equipment.** (1) General requirements. The following requirements apply to equipment which are part of a powered platform installation, such as platforms, stabilizing components, carriages, outriggers, davits, hoisting machines, wire ropes and electrical components.

(a) Equipment installations must be designed by or under the direction of a registered professional engineer experienced in such design;

(b) The design must provide for a minimum live load of 250 pounds (113.6 kg) for each occupant of a suspended or supported platform;

(c) Equipment that is exposed to wind when not in service must be designed to withstand forces generated by winds of at least 100 miles per hour (44.7 m/s) at 30 feet (9.2 m) above grade; and

(d) Equipment that is exposed to wind when in service must be designed to withstand forces generated by winds of at least 50 miles per hour (22.4 m/s) for all elevations.

(2) Construction requirements. Bolted connections must be self-locking or must otherwise be secured to prevent loss of the connections by vibration.

(3) Suspension methods. Elevated building maintenance equipment must be suspended by a carriage, outriggers, davits or an equivalent method.

(a) Carriages. Carriages used for suspension of elevated building maintenance equipment must comply with the following:

(i) The horizontal movement of a carriage must be controlled so as to ensure its safe movement and allow accurate positioning of the platform for vertical travel or storage;

(ii) Powered carriages must not exceed a traversing speed of 50 feet per minute (0.3 m/s);

(iii) The initiation of a traversing movement for a manually propelled carriage on a smooth level surface must not require a person to exert a horizontal force greater than 40 pounds (44.8 n);

(iv) Structural stops and curbs must be provided to prevent the traversing of the carriage beyond its designed limits of travel;

(v) Traversing controls for a powered carriage must be of a continuous pressure weatherproof type. Multiple controls when provided must be arranged to permit operation from only one control station at a time. An emergency stop device must be provided on each end of a powered carriage for interrupting power to the carriage drive motors;

(vi) The operating control(s) must be so connected that in the case of suspended equipment, traversing of a carriage is not possible until the suspended portion of the equipment is located at its uppermost designed position for traversing; and is free of contact with the face of the building or building

guides. In addition, all protective devices and interlocks are to be in the proper position to allow traversing of the carriage;

(vii) Stability for underfoot supported carriages must be obtained by gravity, by an attachment to a structural support, or by a combination of gravity and a structural support. The use of flowing counterweights to achieve stability is prohibited.

(A) The stability factor against overturning must not be less than 2 for horizontal traversing of the carriage, including the effects of impact and wind.

(B) The carriages and their anchorages must be capable of resisting accidental over-tensioning of the wire ropes suspending the working platform, and this calculated value must include the effect of one and one-half times the stall capacity of the hoist motor. All parts of the installation must be capable of withstanding without damage to any part of the installation the forces resulting from the stall load of the hoist and one-half the wind load.

(C) Roof carriages which rely on having tie-down devices secured to the building to develop the required stability against overturning must be provided with an interlock which will prevent vertical platform movement unless the tie-down is engaged;

(viii) An automatically applied braking or locking system, or equivalent, must be provided that will prevent unintentional traversing of power-traversed or power assisted carriages;

(ix) A manual or automatic braking or locking system or equivalent, must be provided that will prevent unintentional traversing of manually propelled carriages;

(x) A means to lock out the power supply for the carriage must be provided;

(xi) Safe access to and egress from the carriage must be provided from a safe surface. If the carriage traverses an elevated area, any operating area on the carriage must be protected by a guardrail system in compliance with the provisions of subsection (5)(a)(vi) of this section. Any access gate must be self-closing and self-latching, or provided with an interlock;

(xii) Each carriage work station position must be identified by location markings and/or position indicators; and

(xiii) The motors must stall if the load on the hoist motors is at any time in excess of three times that necessary for lifting the working platform with its rated load.

(b) Transportable outriggers.

(i) Transportable outriggers may be used as a method of suspension for ground rigged working platforms where the point of suspension does not exceed 300 feet (91.5 m) above a safe surface. Tie-in guide system(s) must be provided which meet the requirements of WAC 296-24-88015(2).

(ii) Transportable outriggers must be used only with self-powered, ground rigged working platforms.

(iii) Each transportable outrigger must be secured with a tie-down to a verified anchorage on the building during the entire period of its use. The anchorage must be designed to have a stability factor of not less than 4 against overturning or upsetting of the outrigger.

(iv) Access to and egress from the working platform must be from and to a safe surface below the point of suspension.

(v) Each transportable outrigger must be designed for lateral stability to prevent roll-over in the event an accidental lateral load is applied to the outrigger. The accidental lateral load to be considered in this design must be not less than 70 percent of the rated load of the hoist.

(vi) Each transportable outrigger must be designed to support an ultimate load of not less than 4 times the rated load of the hoist.

(vii) Each transportable outrigger must be so located that the suspension wire ropes for two point suspended working platforms are hung parallel.

(viii) A transportable outrigger must be tied-back to a verified anchorage on the building with a rope equivalent in strength to the suspension rope.

(ix) The tie-back rope must be installed parallel to the centerline of the outrigger.

(c) Davits.

(i) Every davit installation, fixed or transportable, rotatable or nonrotatable must be designed and installed to insure that it has a stability factor against overturning of not less than 4.

(ii) The following requirements apply to roof rigged davit systems:

(A) Access to and egress from the working platform must be from a safe surface. Access or egress must not require persons to climb over a building's parapet or guard railing; and

(B) The working platform must be provided with wheels, casters or a carriage for traversing horizontally.

(iii) The following requirements apply to ground rigged davit systems:

(A) The point of suspension must not exceed 300 feet (91.5 m) above a safe surface. Guide system(s) must be provided which meet the requirements of WAC 296-24-88015(2);

(B) Access and egress to and from the working platform must only be from a safe surface below the point of suspension.

(iv) A rotating davit must not require a horizontal force in excess of 40 pounds (177.9 n) per person to initiate a rotating movement.

(v) The following requirements shall apply to transportable davits:

(A) A davit or part of a davit weighing more than 80 pounds (36 kg) must be provided with a means for its transport, which must keep the center of gravity of the davit at or below 36 inches (914 mm) above the safe surface during transport;

(B) A davit must be provided with a pivoting socket or with a base that will allow the insertion or removal of a davit at a position of not more than 35 degrees above the horizontal, with the complete davit inboard of the building face being serviced; and

(C) Means must be provided to lock the davit to its socket or base before it is used to suspend the platform.

(4) Hoisting machines.

(a) Raising and lowering of suspended or supported equipment must be performed only by a hoisting machine.

(b) Each hoisting machine must be capable of arresting any overspeed descent of the load.

(c) Each hoisting machine must be powered only by air, electric or hydraulic sources.

(d) Flammable liquids must not be carried on the working platform.

(e) Each hoisting machine must be capable of raising or lowering 125 percent of the rated load of the hoist.

(f) Moving parts of a hoisting machine must be enclosed or guarded in compliance with ~~((Part C of chapter 296-24 WAC))~~ chapter 296-806 WAC, Machine safety.

(g) Winding drums, traction drums and sheaves and directional sheaves used in conjunction with hoisting machines must be compatible with, and sized for, the wire rope used.

(h) Each winding drum must be provided with a positive means of attaching the wire rope to the drum. The attachment must be capable of developing at least 4 times the rated load of the hoist.

(i) Each hoisting machine must be provided with a primary brake and at least one independent secondary brake, each capable of stopping and holding not less than 125 percent of the lifting capacity of the hoist.

(i) The primary brake must be directly connected to the drive train of the hoisting machine, and must not be connected through belts, chains, clutches, or set screw type devices. The brake must automatically set when power to the prime mover is interrupted.

(ii) The secondary brake must be an automatic emergency type of brake that, if actuated during each stopping cycle, must not engage before the hoist is stopped by the primary brake.

(iii) When a secondary brake is actuated, it must stop and hold the platform within a vertical distance of 24 inches (609.6 mm).

(j) Any component of a hoisting machine which requires lubrication for its protection and proper functioning must be provided with a means for that lubrication to be applied.

(5) Suspended equipment.

(a) General requirements.

(i) Each suspended unit component, except suspension ropes and guardrail systems, must be capable of supporting, without failure, at least 4 times the maximum intended live load applied or transmitted to that component.

(ii) Each suspended unit component must be constructed of materials that will withstand anticipated weather conditions.

(iii) Each suspended unit must be provided with a load rating plate, conspicuously located, stating the unit weight and rated load of the suspended unit.

(iv) When the suspension points on a suspended unit are not at the unit ends, the unit must be capable of remaining continuously stable under all conditions of use and position of the live load, and must maintain at least a 1.5 to 1 stability factor against unit upset.

(v) Guide rollers, guide shoes or building face rollers must be provided, and must compensate for variations in building dimensions and for minor horizontal out-of-level variations of each suspended unit.

(vi) Each working platform of a suspended unit must be secured to the building facade by one or more of the following methods, or by an equivalent method:

(A) Continuous engagement to building anchors as provided in WAC 296-24-88015 (2)(a);

(B) Intermittent engagement to building anchors as provided in WAC 296-24-88015 (2)(c)(i);

(C) Button guide engagement as provided in WAC 296-24-88015 (2)(c)(ii);

(D) Angulated roping and building face rollers as provided in WAC 296-24-88015 (2)(c)(iii).

(vii) Each working platform of a suspended unit must be provided with a guardrail system on all sides which must meet the following requirements:

(A) The system must consist of a top guardrail, midrail, and a toeboard;

(B) The top guardrail must not be less than 38 inches (950 mm) high and must be able to withstand at least a 200-pound (890 n) force in any downward or outward direction;

(C) The midrail must be able to withstand at least a 75-pound (333 n) force in any downward or outward direction; and

(D) The areas between the guardrail and toeboard on the ends and outboard side, and the area between the midrail and toeboard on the inboard side, must be closed with a material that is capable of withstanding a load of 100 pounds (45.4 KG.) applied horizontally over any area of one square foot (.09 m<sup>2</sup>). The material must have all openings small enough to reject passage of life lines and potential falling objects which may be hazardous to persons below.

(E) Toeboards must be capable of withstanding, without failure, a force of at least 50 pounds (222 n) applied in any downward or horizontal direction at any point along the toeboard.

(F) Toeboards must be 4 inches (9 cm) minimum in length from their top edge to the level of the platform floor.

(G) Toeboards must be securely fastened in place at the outermost edge of the platform and have no more than one-half inch (1.3 cm) clearance above the platform floor.

(H) Toeboards must be solid or with an opening not over one inch (2.5 cm) in the greatest dimension.

(b) Two and four-point suspended working platforms.

(i) The working platform must be not less than 24 inches (610 mm) wide and must be provided with a minimum of a 12 inch (305 mm) wide passage at or past any obstruction on the platform.

(ii) The flooring must be of a slip-resistant type and must contain no opening that would allow the passage of life lines, cables and other potential falling objects. If a larger opening is provided, it must be protected by placing a material under the opening which must prevent the passage of life lines, cables and potential falling objects.

(iii) The working platform must be provided with a means of suspension that will restrict the platform's inboard to outboard roll about its longitudinal axis to a maximum of 15 degrees from a horizontal plane when moving the live load from the inboard to the outboard side of the platform.

(iv) Any cable suspended from above the platform must be provided with a means for storage to prevent accumulation of the cable on the floor of the platform.

(v) All operating controls for the vertical travel of the platform must be of the continuous-pressure type, and must be located on the platform.

(vi) Each operating station of every working platform must be provided with a means of interrupting the power supply to all hoist motors to stop any further powered ascent or descent of the platform.

(vii) The maximum rated speed of the platform must not exceed 50 feet per minute (0.3 ms) with single speed hoists, nor 75 feet per minute (0.4 ms) with multispeed hoists.

(viii) Provisions must be made for securing all tools, water tanks, and other accessories to prevent their movement or accumulation on the floor of the platform.

(ix) Portable fire extinguishers conforming to the provisions of WAC 296-24-585 and 296-24-592 must be provided and securely attached on all working platforms.

(x) Access to and egress from a working platform, except for those that land directly on a safe surface, must be provided by stairs, ladders, platforms and runways conforming to the provisions of Parts J-1 and J-2 of chapter 296-24 WAC. Access gates must be self-closing and self-latching.

(xi) Means of access to or egress from a working platform which is 48 inches (1.2 m) or more above a safe surface must be provided with a guardrail system or ladder handrails that conform to the provisions of Parts J-1 and J-2 of chapter 296-24 WAC.

(xii) The platform must be provided with a secondary wire rope suspension system if the platform contains overhead structures which restrict the emergency egress of employees. A horizontal lifeline or a direct connection anchorage must be provided, as part of a fall arrest system which meets the requirements of Appendix C, for each employee on such a platform.

(xiii) A vertical lifeline must be provided as part of a fall arrest system which meets the requirements of Appendix C, for each employee on a working platform suspended by 2 or more wire ropes, if the failure of one wire rope or suspension attachment will cause the platform to upset. If a secondary wire rope suspension is used, vertical lifelines are not required for the fall arrest system, provided that each employee is attached to a horizontal lifeline anchored to the platform.

(xiv) An emergency electric operating device must be provided on roof powered platforms near the hoisting machine for use in the event of failure of the normal operating device located on the working platform, or failure of the cable connected to the platform. The emergency electric operating device must be mounted in a secured compartment, and the compartment must be labeled with instructions for use. A means for opening the compartment must be mounted in a break-glass receptacle located near the emergency electric operating device or in an equipment secure and accessible location.

(c) Single point suspended working platforms.

(i) The requirements of (b)(i) through (xi) of this subsection must also apply to a single point working platform.

(ii) Each single point suspended working platform must be provided with a secondary wire rope suspension system, which will prevent the working platform from falling should there be a failure of the primary means of support, or if the platform contains overhead structures which restrict the egress of the employees. A horizontal life line or a direct connection anchorage must be provided, as part of a fall arrest



system which meets the requirements of Appendix C, for each employee on the platform.

(d) Ground-rigged working platforms.

(i) Ground-rigged working platforms must comply with all the requirements of (b)(i) through (xiii) of this subsection.

(ii) After each day's use, the power supply within the building must be disconnected from a ground-rigged working platform, and the platform must be either disengaged from its suspension points or secured and stored at grade.

(e) Intermittently stabilized platforms.

(i) The platform must comply with (b)(i) through (xiii) of this subsection.

(ii) Each stabilizer tie must be equipped with a "quick connect-quick disconnect" device which cannot be accidentally disengaged, for attachment to the building anchor, and must be resistant to adverse environmental conditions.

(iii) The platform must be provided with a stopping device that will interrupt the hoist power supply in the event the platform contacts a stabilizer tie during its ascent.

(iv) Building face rollers must not be placed at the anchor setting if exterior anchors are used on the building face.

(v) Stabilizer ties used on intermittently stabilized platforms must allow for the specific attachment length needed to effect the predetermined angulation of the suspended wire rope. The specific attachment length must be maintained at all building anchor locations.

(vi) The platform must be in continuous contact with the face of the building during ascent and descent.

(vii) The attachment and removal of stabilizer ties must not require the horizontal movement of the platform.

(viii) The platform-mounted equipment and its suspension wire ropes must not be physically damaged by the loads from the stabilizer tie or its building anchor. The platform, platform-mounted equipment and wire ropes must be able to withstand a load that is at least twice the ultimate strength of the stabilizer tie.

Note: See Figure 2 in Appendix B of this section for a description of a typical intermittent stabilization system.

(f) Button-guide stabilized platforms.

(i) The platform must comply with (b)(i) through (xiii) of this subsection.

(ii) Each guide track on the platform must engage a minimum of two guide buttons during any vertical travel of the platform following the initial button engagement.

(iii) Each guide track on a platform that is part of a roof rigged system must be provided with a storage position on the platform.

(iv) Each guide track on the platform must be sufficiently maneuverable by platform occupants to permit easy engagement of the guide buttons, and easy movement into and out of its storage position on the platform.

(v) Two guide tracks must be mounted on the platform and must provide continuous contact with the building face.

(vi) The load carrying components of the button guide stabilization system which transmit the load into the platform must be capable of supporting the weight of the platform, or provision must be made in the guide track connectors or platform attachments to prevent the weight of the platform from being transmitted to the platform attachments.

Note: See Figure 3 in Appendix B of this section for a description of a typical button guide stabilization system.

(6) Supported equipment.

(a) Supported equipment must maintain a vertical position in respect to the face of the building by means other than friction.

(b) Cog wheels or equivalent means must be incorporated to provide climbing traction between the supported equipment and the building guides. Additional guide wheels or shoes must be incorporated as may be necessary to ensure that the drive wheels are continuously held in positive engagement with the building guides.

(c) Launch guide mullions indexed to the building guides and retained in alignment with the building guides must be used to align drive wheels entering the building guides.

(d) Manned platforms used on supported equipment must comply with the requirements of (b)(i), (ii), and (iv) through (xi) of this subsection, covering suspended equipment.

(7) Suspension wire ropes and rope connections.

(a) Each specific installation must use suspension wire ropes or combination cable and connections meeting the specification recommended by the manufacturer of the hoisting machine used. Connections must be capable of developing at least 80 percent of the rated breaking strength of the wire rope.

(b) Each suspension rope must have a "Design Factor" of at least 10. The "Design Factor" is the ratio of the rated strength of the suspension wire rope to the rated working load, and must be calculated using the following formula:

$$F = \frac{S(N)}{W}$$

Where:

F = Design factor

S = Manufacturer's rated strength of one suspension rope

N = Number of suspension ropes under load

W = Rated working load on all ropes at any point of travel

(c) Suspension wire rope grade must be at least improved plow steel or equivalent.

(d) Suspension wire ropes must be sized to conform with the required design factor, but must not be less than 5/16 inch (7.94 mm) in diameter.

(e) No more than one reverse bend in 6 wire rope lays must be permitted.

(f) A corrosion-resistant tag must be securely attached to one of the wire rope fastenings when a suspension wire rope is to be used at a specific location and will remain in that location. This tag must bear the following wire rope data:

(i) The diameter (inches and/or mm);

(ii) Construction classification;

(iii) Whether nonpreformed or preformed;

(iv) The grade of material;

(v) The manufacturer's rated strength;

(vi) The manufacturer's name;

(vii) The month and year the ropes were installed; and

(viii) The name of the person or company which installed the ropes.

(g) A new tag must be installed at each rope renewal.

(h) The original tag must be stamped with the date of the resocketing, or the original tag must be retained and a supplemental tag must be provided when ropes are resocketed. The supplemental tag must show the date of resocketing and the name of the person or company that resocketed the rope.

(i) Winding drum type hoists must contain at least 3 wraps of the suspension wire rope on the drum when the suspended unit has reached the lowest possible point of its vertical travel.

(j) Traction drum and sheave type hoists must be provided with a wire rope of sufficient length to reach the lowest possible point of vertical travel of the suspended unit, and an additional length of the wire rope of at least 4 feet (1.2 m).

(k) The lengthening or repairing of suspension wire ropes is prohibited.

(l) Babbitted fastenings for suspension wire rope are prohibited.

(8) Control circuits, power circuits and their components.

(a) Electrical wiring and equipment must comply with Part L of chapter 296-24 WAC, except as otherwise required by this section.

(b) Electrical runway conductor systems must be of a type designed for use in exterior locations, and must be located so that they do not come into contact with accumulated snow or water.

(c) Cables must be protected against damage resulting from over-tensioning or from other causes.

(d) Devices must be included in the control system for the equipment which will provide protection against electrical overloads, three phase reversal and phase failure. The control system must have a separate method, independent of the direction control circuit, for breaking the power circuit in case of an emergency or malfunction.

(e) Suspended or supported equipment must have a control system which will require the operator of the equipment to follow predetermined procedures.

(f) The following requirements must apply to electrical protection devices:

(i) On installations where the carriage does not have a stability factor of at least 4 against overturning, electrical contact(s) must be provided and so connected that the operating devices for the suspended or supported equipment must be operative only when the carriage is located and mechanically retained at an established operating point.

(ii) Overload protection must be provided in the hoisting or suspension system to protect against the equipment operating in the "up" direction with a load in excess of 125 percent of the rated load of the platform; and

(iii) An automatic detector must be provided for each suspension point that will interrupt power to all hoisting motors for travel in the "down" direction, and apply the primary brakes if any suspension wire rope becomes slack. A continuous-pressure rigging-bypass switch designed for use during rigging is permitted. This switch must only be used during rigging.

(g) Upper and lower directional switches designed to prevent the travel of suspended units beyond safe upward and downward levels must be provided.

(h) Emergency stop switches must be provided on remote controlled, roof-powered manned platforms adjacent to each control station on the platform.

(i) Cables which are in constant tension must have overload devices which will prevent the tension in the cable from interfering with the load limiting device required in (f)(ii) of this subsection, or with the platform roll limiting device required in subsection (5)(b)(iii) of this section. The setting of these devices must be coordinated with other overload settings at the time of design of the system, and must be clearly indicated on or near the device. The device must interrupt the equipment travel in the "down" direction.

**AMENDATORY SECTION** (Amending WSR 00-08-078, filed 4/4/00, effective 7/1/00)

**WAC 296-24-90003 General requirements.** (1) Application. These standards apply to the construction, maintenance, inspection, and operation of manlifts in relation to accident causing hazards. Manlifts covered by these standards consist of platforms or brackets and accompanying handholds mounted on, or attached to an endless belt, operating vertically in one direction only and being supported by, and driven through pulleys, at the top and bottom. These manlifts are intended for conveyance of persons only. It is not intended that these standards cover moving stairways, elevators with enclosed platforms ("Paternoster" elevators), gravity lifts, nor conveyors used only for conveying material. These standards apply to manlifts used to carry only personnel trained and authorized by the employer in their use.

(2) Exceptions for new and existing equipment. The purpose of these standards is to provide reasonable safety for life and limb.

(3) Design requirements. All new manlift installations and equipment installed after the effective date of these standards must meet the design requirements of the "American National Safety Standard for Manlifts ANSI A90.1-1969," and the requirements of this section.

(4) Reference to other codes. The following codes are applicable to this section. Safety Code for Mechanical Power Transmission Apparatus ANSI B15.1-1953 (R 1958) (~~and chapter 296-24 WAC Part C~~); chapter 296-806 WAC Machine safety; chapter 296-24 WAC Part L; Safety Code for Fixed Ladders, ANSI A14.3-1956 and Safety Requirements for Floor and Wall Openings, Railings and Toeboards, ANSI A12.1-1967 and chapter 296-24 WAC Parts J-1 and J-2.

(5) Floor openings.

(a) Allowable size. Floor openings for both the "up" and "down" runs must be not less than 28 inches nor more than 36 inches in width for a 12-inch belt not less than 34 inches nor more than 38 inches for a 14-inch belt; and not less than 36 inches nor more than 40 inches for a 16-inch belt and must extend not less than 24 inches, nor more than 28 inches from the face of the belt.

(b) Uniformity. All floor openings for a given manlift must be uniform in size and must be approximately circular, and each must be located vertically above the opening below it.

(6) Landing.

(a) Vertical clearance. The clearance between the floor or mounting platform and the lower edge for the conical guard above it required by WAC 296-24-90003(7) must not be less than 7 feet 6 inches. Where this clearance cannot be obtained no access to the manlift must be provided and the manlift runway must be enclosed where it passes through such floor.

(b) Clear landing space. The landing space adjacent to the floor openings must be free from obstruction and kept clear at all times. This landing space must be at least 2 feet in width from the edge of the floor opening used for mounting and dismounting.

(c) Lighting and landing. Adequate lighting not less than 5-foot candles, must be provided at each floor landing at all times when the lift is in operation.

(d) Landing surface. The landing surfaces at the entrances and exits to the manlift must be constructed and maintained as to provide safe footing at all times.

(e) Emergency landings. Where there is a travel of 50 feet or more between floor landings, one or more emergency landings must be provided so that there will be a landing (either floor or emergency) for every 25 feet or less of manlift travel.

(i) Emergency landings must be accessible from both the "up" and "down" rungs of the manlift and must give access to the ladder required in WAC 296-24-90003(12).

(ii) Emergency landings must be completely enclosed with a standard railing and toeboard.

(iii) Platforms constructed to give access to bucket elevators or other equipment for the purpose of inspection, lubrication, and repair may also serve as emergency landings under this rule. All such platforms will then be considered part of the emergency landing and must be provided with standard railings and toeboards.

(7) Guards on underside of floor openings.

(a) Fixed type. On the ascending side of the manlift floor openings must be provided with a bevel guard or cone meeting the following requirements:

(i) The cone must make an angle of not less than 45° with the horizontal. An angle of 60° or greater must be used where ceiling heights permit.

(ii) The lower edge of this guard must extend at least 42 inches outward from any handhold on the belt. It must not extend beyond the upper surface of the floor above.

(iii) The cone must be made of not less than No. 18 U.S. gauge sheet steel or material of equivalent strength or stiffness. The lower edge must be rolled to a minimum diameter of one-half inch and the interior must be smooth with no rivets, bolts or screws protruding.

(b) Floating type. In lieu of the fixed guards specified in WAC 296-24-90003 (7)(a) a floating type safety cone may be used, such floating cones to be mounted on hinges at least 6 inches below the under side of the floor and so constructed as to actuate a limit switch should a force of 2 pounds be applied on the edge of the cone closest to the hinge. The depth of this floating cone need not exceed 12 inches.

(8) Protection of entrances and exits.

(a) Guardrail requirement. The entrances and exits at all floor landings affording access to the manlift must be

guarded by a maze (staggered railing) or a handrail equipped with self-closing gates.

(b) Construction. The rails must be standard guardrails with toeboards meeting the provisions of the Safety Requirements for Floor and Wall Openings, Railings and Toeboards, ANSI A12.1-1967 and WAC 296-24-750 through 296-24-75011.

(c) Gates. Gates, if used, must open outward and must be self-closing. Corners of gates must be rounded.

(d) Maze. Maze or staggered openings must offer no direct passage between enclosure and outer floor space.

(e) Except where building layout prevents, entrances at all landings must be in the same relative position.

(f) If located in buildings to which the public has access, such manlift or manlifts must be located in an enclosure protected by self-closing spring-locked doors. Keys to such doors must be limited to authorized personnel.

(9) Guards for openings.

(a) Construction. The floor opening at each landing must be guarded on sides not used for entrance or exit by a standard railing and toeboard or by panels or wire mesh of not less than Number 10 U.S. gage, expanded metal of not less than Number 13 U.S. gage or sheet metal of equivalent strength.

(b) Guardrails in stairwells. When belt manlift is installed in a stairwell a standard guardrail must be placed between the floor openings of the manlift and the stairways.

(c) Height and location. Such rails or guards must be at least forty-two inches in height on the "up" running side and sixty-six inches on the "down" running side. If a guardrail is used the section of the guard above the rail may be of the construction specified in WAC 296-24-90003 (9)(a) or may consist of vertical or horizontal bars which will reject a ball six inches in diameter. Rails or guards must be located not more than one foot from the edge of the floor opening.

(d) Safeguards required. Expanded metal, sheet metal or wood guards must be installed to cover the area from the floor to seven feet above the floor on each exposed side of the belt manlift at each floor landing, so persons cannot place their hands in the area where the step rollers travel.

(10) Bottom arrangement.

(a) Bottom landing. At the bottom landing the clear area must be not smaller than the area enclosed by the guardrails on the floors above, and any wall in front of the down-running side of the belt must be not less than 48 inches from the face of the belt. This space must not be encroached upon by stairs or ladders.

(b) Location of lower pulley. The lower (boot) pulley must be installed so that it is supported by the lowest landing served. The sides of the pulley support must be guarded to prevent contact with the pulley or the steps.

(c) Mounting platform. A mounting platform must be provided in front or to one side of the uprun at the lowest landing, unless the floor level is such that the following requirement can be met: The floor or platform must be at or above the point at which the upper surface of the ascending step completes its turn and assumes a horizontal position.

(d) Guardrails. To guard against persons walking under a descending step, the area on the downside of the manlift must be guarded in accordance with WAC 296-24-90003(8). To

guard against a person getting between the mounting platform and an ascending step, the area between the belt and the platform must be protected by a guardrail.

(11) Top arrangements.

(a) Clearance from floor. A top clearance must be provided of at least 11 feet above the top terminal landing. This clearance must be maintained from a plane through each face of the belt to a vertical cylindrical plane having a diameter 2 feet greater than the diameter of the floor opening, extending upward from the top floor to the ceiling on the up-running side of the belt. No encroachment of structural or machine supporting members within this space will be permitted.

(b) Pulley clearance.

(i) There must be a clearance of at least 5 feet between the center of the head pulley shaft and any ceiling obstruction.

(ii) The center of the head pulley shaft must be not less than 6 feet above the top terminal landing.

(c) Emergency grab rail. An emergency grab bar or rail and platform must be provided at the head pulley when the distance to the head pulley is over 6 feet above the top landing, otherwise only a grab bar or rail is to be provided to permit the rider to swing free should the emergency stops become inoperative.

(12) Emergency exit ladder. A fixed metal ladder accessible from both the "up" and "down" run of the manlift must be provided for the entire travel of the manlift. Such ladder must be in accordance with ANSI A14.3-1956, Safety Code for Fixed Ladders and WAC 296-24-810 through 296-24-81013.

(13) Superstructure bracing. Manlift rails must be secured in such a manner as to avoid spreading, vibration, and misalignment.

(14) Illumination.

(a) General. Both runs of the manlift must be illuminated at all times when the lift is in operation. An intensity of not less than 1-foot candle must be maintained at all points. (However, see WAC 296-24-90003 (6)(c) for illumination requirements at landings.)

(b) Control of illumination. Lighting of manlift runways must be by means of circuits permanently tied into the building circuits (no switches), or must be controlled by switches at each landing. Where separate switches are provided at each landing, any switch must turn on all lights necessary to illuminate the entire runway.

(15) Weather protection. The entire manlift and its driving mechanism must be protected from the weather at all times.

**AMENDATORY SECTION** (Amending WSR 99-17-117, filed 8/18/99, effective 12/1/99)

**WAC 296-54-573 Logging machines—General.** (1)

All logging machinery must have speed limiting devices, safety stops, or emergency shut down devices or shut off valves, with the controls located so that in the event of an emergency, the prime mover may be shut down from a safe place.

(2) Machine operators must be experienced in operating the equipment they use.

**EXCEPTION:** Inexperienced employees may operate equipment to gain experience while in training but may do so only while working under the immediate supervision of an experienced authorized person.

(3) All machine controls must be marked as to their purpose in the operation of the machine.

(4) The rated capacity of any vehicle transporting a machine must not be exceeded.

(5) Machines must be loaded, secured, and unloaded in a manner that will not create a hazard for any employee.

**Note:** This requirement includes the loading, securing and unloading of a machine on and off a transport vehicle.

(6) The employer must not make any modifications or additions that affect the capacity or safe operation of the equipment without written approval of the manufacturer or a qualified engineer. If modifications or changes are made, the capacity, operation and maintenance instruction plates, tags, or decals, must be changed accordingly. The original safety factor of the equipment must never be reduced.

(7) Equipment must be classed and used according to the manufacturer's rating. Where low gear ratios or other devices are installed to increase the line pull in accordance with subsection (6) of this section, the size of the rigging must be increased accordingly so that it will safely withstand the increased strains.

(8) Each machine, including any machine provided by an employee, must be maintained in serviceable condition and the following:

(a) Each machine must be inspected before initial use during each workshift. Defects or damage must be repaired or the unserviceable machine is replaced before beginning work.

(b) Operating and maintenance instructions must be available on the machine or in the area where the machine is being operated. Each machine operator and maintenance employee must comply with the operating and maintenance instructions.

(c) Each machine must be operated only from the operator's station or as otherwise recommended by the manufacturer.

(d) Employees must not be allowed to ride on any load.

(9) The yarding machine or vehicle, including its load, must be operated with safe clearance from all obstructions.

(10) While manual/mechanized falling is in progress, all logging machines must be operated at least two tree lengths away from trees being fell.

**EXCEPTION:** This provision does not apply to logging machines performing tree pulling operations or logging machines called upon by the cutter to ground hazard trees. All cutters must be notified of the logging machine entrance into the area and all falling within two tree lengths of the logging machine must stop.

(11) If a hydraulic or pneumatic storage device can move the moving elements such as, but not limited to, blades, buckets, saws and shears, after the machine is shut down, the pressure or stored energy from the element must be discharged as specified by the manufacturer.

(12) Loads must not exceed the rated capacity of the pallet, trailer, or other carrier.

(13) Boom-type logging machines must have a boom stop to prevent over-topping of the boom.

(14) Boom points of timber booms must be equipped with metal straps, plates, or other devices as needed to properly secure eyebolts and fittings used to support lines, blocks, or other rigging.

(15) Logging machine sleds or bases must be strong enough to withstand any stresses imposed upon them.

(16) Stationary logging machines must be securely anchored or otherwise stabilized to prevent unintended movement while yarding or skidding.

(17) Logging machines and their components must be securely anchored to their bases.

(18) Logging machines must be kept free of flammable waste materials and any materials that might contribute to slipping, tripping or falling.

(19) A safe and adequate means of access and egress to all parts of logging machinery where persons must go must be provided and maintained in a safe and uncluttered condition. Machine access systems, meeting the specifications of the Society of Automotive Engineers, SAE J185, June 1988, "Recommended Practice for Access Systems for Off-Road Machines," must be provided for each machine where the operator or any other employee must climb onto the machine to enter the cab or to perform maintenance. Walking and working surfaces of each machine and machine work station must have a slip-resistant surface to assure safe footing.

(20) Enclosed-type cabs installed on mobile logging machines must have two means of exit. One may be an emergency exit and be available for use at all times regardless of the position of the side arms or other movable parts of the machine. An easily removable window is acceptable as the emergency exit if it is large enough for an employee to readily exit.

EXCEPTION: Mobile logging machines manufactured before July 1, 1980 are not required to have two means of exit.

(21) Before leaving the operator's station of a machine, the operator must ensure the machine is secured as follows:

(a) The parking brake or brake locks must be applied;

(b) The transmission must be placed in the manufacturer's specified park position; and

(c) Each moving element such as, but not limited to, blades, buckets, saws and shears, must be lowered to the ground or otherwise secured.

(22) Storing employee property, tools, or other miscellaneous materials on or within three feet of any logging machine is prohibited if retrieving the items would expose an employee to the hazardous pinch point area between the rotating superstructure and the nonrotating undercarriage.

(23) Employees must approach the hazardous pinch point area only after informing the operator of that intent and receiving acknowledgment from the operator that the operator understands the employee's intention. All logging machines must be stopped while any employee is in the hazardous pinch point area.

(24) After adjustments or repairs are made, logging machines must not be operated until all guards are reinstalled, safety devices reactivated, and maintenance equipment removed.

(25) Fairleads must be properly aligned at all times and designed to prevent line damage.

(26) Employee(s), except a mechanic or employee in training to operate equipment, must not ride on any mobile logging machine unless provided with seating, seat belts, and other protection equivalent to that provided for the operator.

(27) Riding on arches, reaches or turn of logs is prohibited.

(28) Tractors, skidders, arches, or logs being yarded by them must not run over or rub against anchored lines, tailhold stumps, or other rigging.

(29) Ends of lines attached to drums on logging machines must be secured by end attachments that develop the ultimate strength of the line unless three wraps of line are maintained on the drum at all times.

EXCEPTION: This does not apply to tractors or skidders.

(30) Wire rope must be wound on drum spools in a manner to prevent excessive wear, kinking, chafing or fouling.

(31) Guylines required in rigging spars or towers must be evenly spooled to prevent fouling.

(32) A guide pulley, tool, stick, iron bar or other mechanical or manual means must be used when guiding lines onto drums. Guiding lines onto drums with any part of the body in direct contact with the line is prohibited.

(33) A limit switch must be installed on electric-powered log loaders to prevent the lift arms from traveling too far in the event the control switch is not released in time.

(34) All forklift type log handling machines must be equipped with a grapple system and the arms must be closed whenever logs are being carried.

(35) When forklift machines are used to load, unload, or handle trailers, a positive means of holding the lifting attachment on the fork must be installed and used.

(36) Loads on forklift type log handling machines must be transported as low as safely operable without obstructing visibility.

(37) Guyline drum controls and outrigger controls must be separated and clearly identified in a manner that will prevent the engaging of the wrong control.

(38) Each machine must be equipped with guarding to protect employees from exposed moving elements, such as, but not limited to, shafts, belts, pulleys on chains, sprockets and gears in accordance with the requirements of this standard and chapter ((296-24 WAC, Part C, Machinery and machine guarding)) 296-806 WAC, Machine safety. Guards must be in place at all times when machines are in use.

Note: This does not apply to lifting or yarding components such as, but not limited to, cable nip points, sheaves and blocks.

(39) Each machine used for debarking, limbing, and chipping must be guarded to protect employees from flying wood chunks, logs, chips, bark, limbs, and other material in accordance with the requirements of this standard and chapter ((296-24 WAC, Part C, Machinery and machine guarding)) 296-806 WAC, Machine safety.

(40) Grab rails must be provided and maintained in good repair on all walkways of stationary units elevated more than four feet.

(41) Towed equipment such as, but not limited to, skid pans, pallets, arches, and trailers, must be attached to each

machine or vehicle to allow a full ninety degree turn; to prevent overrunning of the towing machine or vehicles; and to ensure that the operator is always in control of the towed equipment.

(42) Timbers used for masts or booms shall be straight-grained, solid, and capable of withstanding the working load.

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

**WAC 296-59-130 Ski lift machinery guarding.** (1) Moving machine parts that are located within normal reach shall be fitted with safety guards in compliance with ((WAC 296-24-150 through 296-24-20533, Machinery and machine guarding)) chapter 296-806 WAC, Machine safety.

(a) The coupling apparatus for the ski lift emergency drive may be provided with a removable or swing guard.

(b) When removable or swing guards are used, the guard and mounting means shall be so designed and constructed as to sustain a two hundred fifty pound weight loading without displacement.

(2) All guards shall be maintained in good condition and shall be secured in place when the equipment is in operation except for inspection and adjustment purposes.

(3) The drive machinery and primary control apparatus shall be installed in a facility which can prevent access by unauthorized personnel. The access door shall have a sign which states that entry is restricted to authorized personnel.

**AMENDATORY SECTION** (Amending Order 81-21, filed 8/27/81)

**WAC 296-78-56511 Head rigs and feed works.** (1) A clear walkway shall be provided along the upper side of the log deck and around the head rig unless an overhead walkway is provided.

(2) The sawyer shall be primarily responsible for the safety of the carriage crew and off-bearers. He shall exercise due care in the operation of the carriage and log turning devices.

(3) Feedworks and log turning control levers shall be so arranged that they may be securely locked when not in use and shall be guarded against accidental contact.

(4)(a) A positive means shall be provided to prevent unintended movement of the carriage. This shall involve a control locking device, a carriage tie-down, or both.

(b) An emergency control or equally effective means shall be provided so that the sawyer may stop the head rig section of the mill without leaving the operator station.

(5) An effective method of disengaging the head rig saws from the power unit shall be installed on all head rigs where the power unit is not directly controlled by the sawyer. The saws shall be disengaged from the source of power while repairs or changes are made.

(6) A shield of lexan, makrolon, merlon, plestar, or equivalent transparent material, shall be installed between the sawyer's stand and the head saws in all circular mills. In band mills and chipper type installations, a wire screen of not less than twelve gauge wire, one-half inch mesh, mounted in a frame in compliance with ((the requirements of WAC 296-24-20531 of the general safety and health standards)) chapter

296-806 WAC, Machine safety, is an acceptable substitute for the type shield required in circular mills.

(7) Safety glasses, safety shields or other suitable eye protection shall be provided for and use by head rig off-bearers.

**AMENDATORY SECTION** (Amending Order 81-21, filed 8/27/81)

**WAC 296-78-590 Gang saws and re-saws.** (1) Gang saws and re-saws shall be fully guarded or housed in accordance with conditions. Cranks, pitman rods, and other moving parts shall be guarded.

(2) Feed rolls shall be enclosed by a cover over the top, front, and open ends except where guarded by location. Drive mechanism to feed rolls shall be enclosed.

(3) Feed rolls shall be enclosed and if the operator stands within thirty inches of the feed rolls, they shall be so guarded as to prevent operator coming into contact with them.

(4) Circular re-saws or rip saws, except power feed rip saws with a roller or wheel back of the saw, shall be provided with splitters or spreaders.

(5) A hood of metal or wood of sufficient strength to give protection against splinters or flying teeth shall be provided over all circular rip saws.

(6) That portion of the saw extending below the table shall be so guarded as to prevent contact.

(7) Circular rip saws shall be equipped with a standard anti-kickback device.

(8) Carriage cradles of whole-log sash gang saws, Swedish gangs shall be of height to prevent logs from kicking out while being loaded.

(9) Band re-saws. Band re-saws shall meet the specifications for band head saws as required in WAC 296-78-570(7).

(10) Circular gang re-saws.

(a) Banks of circular gang re-saws shall be guarded by a hood to contain teeth or debris which can be thrown by the saws.

(b) Circular gang re-saws shall be provided with safety fingers or other anti-kickback devices.

(c) Circular gang re-saws shall not be operated at speeds exceeding those recommended by the manufacturer.

(d) Feed belts and drive pulleys shall be guarded in accordance with ((the requirements of WAC 296-24-20533 of the general safety and health standard)) chapter 296-806 WAC, Machine safety.

(e) Each circular gang re-saw, except self-feed saws with a live roll or wheel at back of saw, shall be provided with spreaders.

**AMENDATORY SECTION** (Amending WSR 96-17-056, filed 8/20/96, effective 10/15/96)

**WAC 296-78-605 Swing saws.** (1) Manually operated swing cut-off saws of the following types shall be set up, guarded and operated in accordance with ((WAC 296-24-16515, general safety and health standards)) chapter 296-806 WAC, Machine safety:

• Saws into which materials to be cut are fed or positioned and/or held in position by hand pressure during the cutting stroke; and/or

- Saws on which the cutting stroke is propelled by hand pressure; and/or

- Saws on which the operator is within arm's reach of the blade when the operator is standing at the operator's control station and the blade is fully extended to the limit of operating travel.

(2) Operators of hand operated swing saws shall not stand directly in front of saw while making a cut.

(3) Swing cut-off saws which are fed by powered live rolls, conveyor chains and/or belts and which are operated from a remote operator's station (defined as being beyond arm's reach of the blade when the blade is fully extended to the limit of operating travel) shall be set up, guarded and operated in accordance with the following:

(a) Overhead swing cut-off saws shall be guarded by a hood which shall cover the upper half of the cutting edge at least to the depth of the teeth.

(b) The driving belts on overhead swing cut-off saws, where exposed to contact, shall be provided with guards as required by WAC 296-78-71505.

(c) Saws shall be completely enclosed when in idle position.

(d) Power operated swing saws shall have controls so arranged that the operators will not stand directly in front of saw when making cut.

(e) All swing saws shall be equipped with a counter balance which shall be permanently fastened to the frame of the saw and so arranged or adjusted that it will return the saw beyond the rear edge of the table or roll case without a rebounding motion. Wire rope, chain or nonmetallic rope running to a weight over a sheave shall not be used for attaching counter balance.

(f) No swing cut-off or trim saw shall be located directly in line with stock coming from an edger.

(g) Swing limit stops shall be provided and so adjusted that at no time shall the forward swing of the saw extend the cutting edge of the saw beyond a line perpendicular with the edge of the saw table, roll case, guard or barrier.

(h) Saws that are fed into the cut by means of air, steam, hydraulic cylinders, or other power device or arrangement shall be designed so they can be locked or rendered inoperative.

(i) Foot treadle operated saws shall be provided with safeguards to prevent accidental contact.

(j) Swing saws on log decks shall be equipped with a positive stop for the protection of persons who may be on the opposite side of the log haul chute.

(k) Tables or roll casings for swing saws shall be provided with stops or lineup rail to prevent material being pushed off on opposite side.

(4) Operators of hand operated swing saws shall not stand directly in front of saw while making cut.

**AMENDATORY SECTION** (Amending Order 81-21, filed 8/27/81)

**WAC 296-78-615 Saw filing and grinding rooms and equipment.** (1) Approaches to filing rooms shall be kept free from material and equipment at all times.

(2) Enclosed grinding and filing rooms shall be ventilated as specified in the general occupational health standard, WAC 296-62-110 through 296-62-11019.

(3) Each filing and grinding room shall be provided with two exits so arranged as to permit easy escape in case of fire.

(4) Floor shall be cleaned regularly and shall be kept free from oil, grease and other materials that might cause employees to slip or fall.

(5) Flooring around machines shall be kept in good repair at all times.

(6) Saw grinding machine belts shall be provided with guards where these belts pass through the frame of the machine.

(7) All grinding wheels on such machines shall be provided with a metal retaining hood which shall also cover the arbor ends if they are exposed to contact.

(8) Filing room employees shall be provided with goggles, face shields, or other necessary protective equipment and are required to wear the same.

(9) Guarding and mounting of abrasive wheels shall be in accordance with ~~((WAC 296-24-18003 through 296-24-18007 of the general safety and health standards))~~ chapter 296-806 WAC, Machine safety.

**AMENDATORY SECTION** (Amending WSR 96-17-056, filed 8/20/96, effective 10/15/96)

**WAC 296-78-650 Boring and mortising machines.**

(1) Boring and mortising machines shall be provided with safety bit chucks without projecting set screws. Automatic machines shall be provided with point of operation guards. When necessary to prevent material from revolving with the bit, clamps or stops shall be provided and used to hold material firmly against the guides.

(2) The requirements of WAC ~~((296-24-16525, general safety and health standards))~~ 296-806-48048, Make sure boring and mortising machines meet these requirements, shall be applicable to boring and mortising machines.

**AMENDATORY SECTION** (Amending WSR 96-17-056, filed 8/20/96, effective 10/15/96)

**WAC 296-78-660 Lathe (pail and barrel).** (1) Each profile, swing-head and back-knife lathe shall have all cutting heads covered by a solid metal guard.

(2) If sheet metal is used, it shall be not less than ten U.S. gauge in thickness. If cast metal is used, it shall be not less than three-sixteenths inch thick, or if aluminum is used, it shall be not less than five-eighths inch thick. The hood of the exhaust system may form part or all of the guard. When so used, the hood shall be constructed of metal of a thickness not less than that specified above.

(3) Pail and barrel lathes shall be guarded in accordance with the specifications for profile and back-knife lathes insofar as they are applicable.

(4) The requirements of WAC ~~((296-24-16531, general safety and health standards))~~ 296-806-450, Lathes, shall be applicable to pail and barrel lathes.

**AMENDATORY SECTION** (Amending WSR 99-10-071, filed 5/4/99, effective 9/1/99)

**WAC 296-78-665 Sanding machines.** (1) Each belt sanding machine shall have both pulleys enclosed in such a manner as to guard the points where the belt runs onto the pulleys. The edges of the unused run of belt shall be enclosed or otherwise guarded from contact by employees.

(2) Each drum sanding machine shall be provided with a guard so arranged as to completely enclose the revolving drum except such portion required for the application of the material to be finished. Guards with hinges to facilitate the insertion of sandpaper may be installed. The exhaust hood may form part or all of this guard. When so used, the hood shall conform to the specifications as given under exhaust systems in WAC 296-78-710.

(3) All standard stationary sanding machines shall be provided with exhaust systems in conformity with the section of this code dealing with exhaust systems.

(4) All portable sanding machines shall be provided with means of removing excessive dust, or employees using equipment shall be provided with such necessary respiratory protective equipment as will conform to the requirements of the general occupational health standards, chapter 296-62 WAC, Part E.

(5) The requirements of WAC ((296-24-16533, general safety and health standards)) 296-806-475 Sanding machines, shall be applicable to sanding machines.

**AMENDATORY SECTION** (Amending WSR 96-17-056, filed 8/20/96, effective 10/15/96)

**WAC 296-78-690 Veneer slicer and cutter.** (1) Each veneer slicer and each rotary veneer cutter shall have all revolving and other moving knives provided with guards.

(2) The requirements of ((WAC 296-24-16535, general safety and health standards)) chapter 296-806 WAC, Machine safety, shall be applicable to veneer slicers and cutters.

**AMENDATORY SECTION** (Amending WSR 96-17-056, filed 8/20/96, effective 10/15/96)

**WAC 296-78-70503 Shake and shingle machinery—General.** (1) Track or swing cutoff circular saw.

(a) Manually operated track or swing circular cutoff saws of the following types shall be set up, guarded and operated in accordance with ((WAC 296-24-16515, general safety and health standards)) chapter 296-806 WAC, Machine safety:

- Saws into which materials to be cut are fed or positioned and/or held in position by hand pressure during the cutting stroke; and
- Saws on which the cutting stroke is propelled by manual (hand) pressure; and
- Saws on which the operator is within arm's reach of the blade when the blade is fully extended to the limit of operating travel and the operator is standing at the operator's normal control station/location.

(b) Large track or swing circular cutoff saws into which materials to be cut are fed by powered live rolls, conveyor

belts and/or chains and which are operated from a remote operator's control station, defined as beyond arm's reach when the blade is fully extended to the limit of operating travel, shall be set up, guarded and operated in accordance with the following:

(i) A power operated track or swing cutoff circular saw shall have controls so arranged that operators are not positioned directly in front of the saw while making a cut.

(ii) All track or swing cutoff circular saws shall be completely encased or guarded when the saw is in the retract position, except for that portion of the guard that must be left open for the operation of the saw.

(iii) Track or swing cutoff circular saw guards shall be constructed of sheet metal not less than one-eighth inch thick, or a wood guard of not less than nominal two inch thick wood material, or equivalent.

Hinged or removable doors or gates will be permitted where necessary to permit adjusting and oiling.

(iv) The driving belt(s) on the track or swing cutoff circular saw shall be guarded in accordance with ((the general safety and health standard, WAC 296-24-205 through 296-24-20533)) chapter 296-806 WAC, Machine safety.

(v) A safety catch shall be provided to prevent the track cutoff saw from leaving the track.

(2) Overhead deck splitter - panagraph.

(a) Panagraph splitters shall have a shroud incorporated on the upper pressure plate to eliminate the possibility of the splitter moving from the operating area. This shroud shall be constructed of solid design with a minimum width of three inches and a minimum thickness of three-eighths inch.

(b) Mechanically operated overhead splitters shall have handles moving opposite the stroke of the piston.

(c) When the leading edge of the panagraph splitter is completely extended, the maximum clearance from the deck to the splitting edge shall be two inches.

(3) Power splitter saw. Power splitters shall have spreaders behind the saw to prevent materials from squeezing the saw or being thrown back on the operator. The top of the saw shall be completely covered.

(4) Knee bolter circular saw.

(a) A safety catch shall be provided to prevent the bolter carriage from leaving the track.

(b) Bolter saws shall be provided with a canopy guard of sheet metal not less than one-eighth inch thick, or cast iron guard not less than three-sixteenths inch thick or a wood guard of not less than nominal four inch thick wood material or equivalent.

The bolter canopy guard shall completely enclose the rear portion of the saw. It shall be so arranged and adjusted as to cover the front of the saw; not to exceed twenty inches from the top of the carriage to the bottom of the guard on sixteen inch and eighteen inch block and twenty-six inches on twenty-four inch blocks, of the material being cut.

(c) Bolter saws shall be provided with wipers of belting or other suitable material. These wipers shall be installed on both sides of the saw in such a manner as to deflect knots, chips, slivers, etc., that are carried by the saw.

(d) A positive device shall be provided and used to manually lock and hold the feed table in the neutral position when not in use.



(e) That portion of all bolter saws which is below and behind the saw table shall be guarded by the exhaust hood or other device. Hinged or removable doors or gates will be permitted where necessary to permit adjusting and oiling.

**AMENDATORY SECTION** (Amending Order 81-21, filed 8/27/81)

**WAC 296-78-71007 Footwalks and passageways.** (1) All footwalks and passageways subject to slipping hazards due to peculiarities of conditions or processes of the operation shall be provided with nonslip surfaces.

(2) Walkways in accordance with WAC 296-78-71001(8) shall be provided over roll casings, transfer tables, conveyors or other moving parts except where stepping over such equipment is not in connection with usual and necessary traffic.

(3) Walkways alongside of sorting tables shall be of sufficient width to provide safe working area. Such walkways shall be evenly floored and kept in good repair at all times. They shall be kept free from obstructions and debris.

(4) When employees are required to clear plug-ups in veneer trays or lumber sorting trays, adequate walkways with standard guardrails shall be provided for access to the trays whenever possible. When walkways are not provided, safety belts or harnesses with lanyards, tied off to substantial anchorages, shall be provided and used at all times.

(5) Walkways and stairways with standard hand rails shall be provided wherever space will permit, for oilers and other employees whose duties require them to go consistently to elevated and hazardous locations.

(a) Where such passageways are over walkways or work areas, standard toeboards shall be provided.

(b) Protection as required by ~~((the general safety and health standard, WAC 296-24-205 through 296-24-20533))~~ chapter 296-806 WAC, Machine safety, shall be provided against contact with transmission machinery or moving conveyors.

**AMENDATORY SECTION** (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

**WAC 296-78-71017 Dry kilns.** (1) Dry kilns shall be so constructed upon solid foundations that tracks will not sag. Dry kilns shall be provided with suitable walkways. Each kiln shall have doors that operate from the inside and be provided with escape doors of adequate height and width to accommodate an average size man, that also operates from the inside, and shall be located in or near the main door. Escape doors shall swing in the direction of exit. Kiln doors and door carriers shall be fitted with safety devices to prevent the doors or carriers from falling.

(2) Ladders. A fixed ladder, in accordance with the requirements of WAC 296-24-810 through 296-24-81013 of the general safety and health standards and WAC 296-800-290 of the safety and health core rules, or other means shall be provided to permit access to the roof. Where controls and machinery are mounted on the roof, a permanent stairway with standard handrail shall be installed in accordance with the requirements of WAC 296-800-290.

(3) A heated room shall be provided for the use of the kiln operator in inclement weather. He should remain in such room for at least ten minutes after leaving a hot kiln before going to cold outside air.

(4) Where operating pits are used, they shall be well ventilated, drained and lighted. Substantial gratings shall be installed at the kiln floor line. Steam lines shall be provided with insulation wherever exposed to contact by employees. Fans shall be enclosed by standard safeguards.

(5) Mechanical equipment. All belts, pulleys, blowers, and other exposed moving equipment used in or about kilns shall be guarded in accordance with ~~((the requirements of WAC 296-24-205 through 296-24-20533 of the general safety and health standards))~~ chapter 296-806 WAC, Machine safety.

**AMENDATORY SECTION** (Amending Order 81-21, filed 8/27/81)

**WAC 296-78-71505 Mechanical power transmission apparatus.** (1) Machines and other equipment shall not be oiled while in motion, unless provided with guards or other devices to permit oiling without any possibility of contact with moving parts of machinery.

(2) Inspections shall be made to assure that shaftings, bearings and machines are in proper alignment at all times and that bolts in shaft hangars, couplings and boxes are tight.

(3) Isolated bearings or other equipment not reached by walkway shall be served by a ladder or other means of safe access.

(4) Running belts under power on or off pulleys shall be accomplished by mechanical means which will not expose employees to moving elements of the operation.

(5) Counterweights located on or near passageways or work areas shall be provided with enclosures. Overhead counterweights shall be provided with substantial safety chains or cables, or otherwise secured against falling.

(6) The construction, operation, and maintenance of all mechanical power-transmission apparatus shall be in accordance with ~~((the requirements of WAC 296-24-205 through 296-24-20533 of the general safety and health standard))~~ chapter 296-806 WAC, Machine safety.

(7) Baffles shall be erected, where necessary, to protect employees from breaking belts, chains, ropes or cables.

(8) Overhead horizontal belts, chains or rope drives shall be provided with guards.

(9) Hydraulic systems. Means shall be provided to block, chain, or otherwise secure equipment normally supported by hydraulic pressure so as to provide for safe maintenance.

**AMENDATORY SECTION** (Amending WSR 99-16-083, filed 8/3/99, effective 11/3/99)

**WAC 296-79-030 Guards and guarding.** For additional guarding requirements see chapter ~~((296-24 WAC, Part C))~~ 296-806 WAC, Machine safety.

(1) Safeguarding specific areas, machines or conditions. Certain equipment, tools, machines, and areas present definite hazards and must be safeguarded by compliance with the following requirements:

PROPOSED

(a) Broke shredders. Cutting heads must be completely enclosed except for opening at feed side sufficient only to permit entry of stock. The enclosure must be:

- Bolted or locked in place, and
- Of solid material or with mesh or other openings not exceeding 1/2 inch.

(b) Stitching or sewing machine. Carton or bag stitching machines must be properly safeguarded to prevent persons from coming in contact with the stitching head and other pinch or nip points.

(c) Beaters and pulpers.

(i) A guardrail of standard height must be installed when the top edge of vessels or tubs is less than standard height guardrails above the floor or operator's platform. If necessary for the protection of the person feeding equipment, an intermediate guardrail or other suitable protection shall be installed.

(ii) Beater rolls must be provided with covers.

(d) First dryer. A permanent guard or apron guard, or both, must be installed to protect workers from any exposed ingoing nip of the first dryer drum in each section if the area is accessible to workers while the dryer is in operation.

(e) Floor and drain openings. Floor and drain openings in walkways and general work areas must be covered with material or gratings with openings no larger than 2" in the narrow dimension.

(f) Mechanical devices to dump chip cars, trucks or trailers.

- When using mechanical equipment to elevate the front end of the chip containers for dumping into a hopper, the shear area between the floor and the elevated section must be safeguarded.

- The pit area must be adequately safeguarded or barricaded.

- Safeguards must be installed around the exposed sides of a chip hopper.

(2) Replacing guards. All permanent guards must be replaced or adequate temporary safeguards provided before a machine is put into operation.

(3) Protection from moving materials. When material, such as chunks, slivers, cants, or logs, could be thrown or flipped by a saw, barker, or other machines, adequate barricades, screens, netting, or other safeguards must be provided and maintained.

(4) Protection for areas where guards are impractical. When normal guarding is impractical:

- The hazard must be reduced to a minimum by use of safety chains, lifelines, signs or other reasonable means, and

- Areas which present a hazard which cannot be reasonably safeguarded must be identified by use of paint or other materials.

(5) Knives and scissors.

(a) Knives used for chip or hog fuel machines, or guillotine cutters, must be secured in properly constructed containers during transportation.

(b) Workers must be furnished properly designed and constructed sheaths for safely carrying knives and scissors used for cutting or trimming pulp and paper.

(c) Tables where paper is being cut must be equipped with sheaths or shelves for safe storage of knives and scissors.

(d) Sharp edged slitter knives subject to accidental contact must be effectively guarded. Carriers must be provided and used when transporting or carrying sharp edged slitter knives.

(e) Hand knives and sharpening steels used in paper preparation, must be provided with guards at the junction of the handle and the blade. Utility knives with blade exposure two and one-half inches or less are exempted from this requirement.

(6) Safeguard for foot operated treadle switch used to activate power driven equipment. Foot operated treadle switches used for activation of power driven equipment must be protected by a stirrup type guard or equivalent protection must be provided to prevent accidental activation.

(7) Automatic pressure actuated stopping devices. Hand fed machines and other moving equipment which create shear or pinch points which cannot be reasonably guarded may be safeguarded by the installation of pressure activated bars or sensing devices which, when contacted, will automatically stop the machine or equipment.

**AMENDATORY SECTION** (Amending WSR 03-18-090, filed 9/2/03, effective 11/1/03)

**WAC 296-115-050 General requirements.** (1) Application.

(a) The following rules are applicable to all vessels operated within the scope of this chapter.

(b) Where an existing vessel does not comply with a particular requirement of this section, the director may grant a temporary variance to allow time for modifications to be made.

(c) Where an existing vessel does not comply with a specific requirement contained herein but the degree of protection afforded is judged to be adequate for the service in which the vessel is used, the director may grant a permanent variance.

(2) Lifesaving equipment. Where equipment required by this section is required to be of an approved type, the equipment is required to be approved by the USCG.

(3) Lifesaving equipment required.

(a) All vessels carrying passengers must carry life floats or buoyant apparatus for all persons on board.

(b) All life floats or buoyant apparatus must be international orange in color.

(c) In the case of vessels operating not more than one mile from land, the director may permit operation with reduced amounts of life floats or buoyant apparatus, when, in his opinion, it is safe to do so.

(d) Lifeboats, life rafts, dinghies, dories, skiffs, or similar type craft may be substituted for the required life floats or buoyant apparatus if the substitution is approved by the director.

(e) Life floats, buoyant apparatus, or any authorized substitute must have the following equipment:

(i) A life line around the sides at least equivalent to 3/8-inch manila, festooned in bights of at least three feet, with a seine float in the center of each bight.

(ii) Two paddles or oars not less than four feet in length.

(iii) A painter of at least thirty feet in length and of at least two-inch manila or the equivalent.

(f) All vessels must have an approved adult type life preserver for each person carried, with at least ten percent additional of a type suitable for children.

(g) Life preservers must be stowed in readily accessible places in the upper part of the vessel, and each life preserver shall be marked with the vessel's name.

(h) All vessels must carry at least one life ring buoy of an approved type with sixty feet of line attached.

(i) The life ring buoy must be carried in a readily accessible location and must be capable of being cast loose at any time.

(4) Fire protection.

(a) The general construction of a vessel must minimize fire hazards.

(b) Internal combustion engine exhausts, boiler and galley uptakes, and similar sources of ignition must be kept clear of and suitably insulated from woodwork or other combustible material.

(c) Lamp, paint, and oil lockers and similar storage areas for flammable or combustible liquids must be constructed of metal or lined with metal.

(5) Fire protection equipment. Equipment required by this section, when required to be of an approved type, must be of a type approved by the USCG or other agency acceptable to the director.

(6) Fire pumps.

(a) All vessels carrying more than forty-nine passengers must carry an approved power fire pump, and all other vessels must carry an approved hand fire pump. These pumps must be provided with a suitable suction and discharge hose. These pumps may also serve as bilge pumps.

(b) Vessels required to have a power fire pump must also have a fire main system, including fire main, hydrants, hose, and nozzles. The fire hose may be a good commercial grade garden hose of not less than 5/8 inch size.

(7) Fixed fire extinguishing system.

(a) All vessels powered by internal combustion engines using gasoline or other fuel having a flashpoint of 110°F or lower, must have a fixed fire extinguishing system to protect the machinery and fuel tank spaces.

(b) This system must be an approved type using carbon dioxide and have a capacity sufficient to protect the space.

(c) Controls for the fixed system must be installed in an accessible location outside the space protected.

(8) Fire axe. All vessels must have one fire axe located in or near the pilothouse.

(9) Portable fire extinguishers.

(a) All vessels must have a minimum number of portable fire extinguishers of an approved type. The number required will be determined by the director.

(b) Portable fire extinguishers must be inspected at least once a month. Extinguishers found defective must be serviced or replaced.

(c) Portable fire extinguishers must be serviced at least once a year. The required service must consist of discharging and recharging foam and dry chemical extinguishers and weighing and inspecting carbon dioxide extinguishers.

(d) Portable fire extinguishers must be hydrostatically tested at intervals not to exceed those specified in WAC 296-24-59211(2) and Table I (after August 31, 2001, see WAC 296-800-300).

(e) Portable fire extinguishers of the vaporizing liquid type such as carbon tetrachloride and other toxic vaporizing liquids are prohibited and must not be carried on any vessel.

(f) Portable fire extinguishers must be mounted in brackets or hangers near the space protected. The location must be marked in a manner satisfactory to the director.

(10) Means of escape.

(a) Except as otherwise provided in this section, all vessels must be provided with not less than two avenues of escape from all general areas accessible to the passengers or where the crew may be quartered or normally employed. The avenues must be located so that if one is not available the other may be. At least one of the avenues should be independent of watertight doors.

(b) Where the length of the compartment is less than twelve feet, one vertical means of escape will be acceptable under the following conditions:

(i) There is no source of fire in the space, such as a galley stove or heater and the vertical escape is remote from the engine and fuel tank space; or

(ii) The arrangement is such that the installation of two means of escape does not materially improve the safety of the vessel or those aboard.

(11) Ventilation.

(a) All enclosed spaces within the vessel must be properly vented or ventilated. Where such openings would endanger the vessel under adverse weather conditions, means must be provided to close them.

(b) All crew and passenger space must be adequately ventilated in a manner suitable to the purpose of the space.

(12) Crew and passenger accommodations.

(a) Vessels with crew members living aboard must have suitable accommodations.

(b) Vessels carrying passengers must have fixed seating for the maximum number of passengers permitted to be carried.

(c) Fixed seating must be installed with spacing to provide for ready escape in case of fire or other casualty.

(d) Fixed seating must be installed as follows, except that special consideration may be given by the director if escape over the side can be readily accomplished through windows or other openings in the way of the seats:

(i) Aisles not over fifteen feet long must be not less than twenty-four inches wide.

(ii) Aisles over fifteen feet long must be not less than thirty inches wide.

(iii) Where seats are in rows the distance from seat front to seat front must be not less than thirty inches.

(e) Portable or temporary seating may be installed but must be arranged in general as provided for fixed seating.

(13) Toilet facilities and drinking water.

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(a) Vessels must be provided with toilets and wash basins as specified in WAC 296-800-230, except that in the case of vessels used exclusively on short runs of approximately thirty minutes or less, the director may approve other arrangements.

(b) All toilets and wash basins must be fitted with adequate plumbing. Facilities for men and women must be in separate compartments, except in the case of vessels carrying forty-nine passengers and less, the director may approve other arrangements.

(c) Potable drinking water must be provided for all passengers and crew. The provisions of WAC 296-800-230 apply.

(d) Covered trash containers must be provided in passenger areas.

(14) Rails and guards.

(a) Except as otherwise provided in this section, rails or equivalent protection must be installed near the periphery of all weather decks accessible to passengers and crews. Where space limitations make deck rails impractical, such as at narrow catwalks in the way of deckhouse sides, hand grabs may be substituted.

(b) Rails must consist of evenly spaced courses. The spacing must not be greater than twelve inches except as provided in WAC 296-115-050 (14)(f). The lower rail courses may not be required where all or part of the space below the upper rail course is fitted with a bulwark, chain link fencing, wire mesh or the equivalent.

(c) On passenger decks of vessels engaged in ferry or excursion type operation, rails must be at least forty-two inches high. The top rail must be pipe, wire, chain, or wood and must withstand at least two hundred pounds of side loading. The space below the top rail must be fitted with bulwarks, chain link fencing, wire mesh, or the equivalent.

(d) On vessels in other than passenger service, the rails must be not less than thirty-six inches high, except that where vessels are used in special service, the director may approve other arrangements, but in no case less than thirty inches.

(e) Suitable storm rails or hand grabs must be installed where necessary in all passageways, at deckhouse sides, and at ladders and hatches where passengers or crew might have normal access.

(f) Suitable covers, guards, or rails must be installed in the way of all exposed and hazardous places such as gears or machinery. (See ((~~WAC 296-24-150~~)) chapter 296-806 WAC, Machine safety for detailed requirements.)

(15) Machinery installation.

(a) Propulsion machinery.

(i) Propulsion machinery must be suitable in type and design for the propulsion requirements of the hull in which it is installed. Installations meeting the requirements of the USCG or other classification society will be considered acceptable to the director.

(ii) Installations using gasoline as a fuel must meet the requirements of applicable USCG standards.

(iii) Installations using diesel fuel must meet the requirements of applicable USCG standards.

(b) Auxiliary machinery and bilge systems.

(i) All vessels must be provided with a suitable bilge pump, piping and valves for removing water from the vessel.

(ii) Vessels carrying more than forty-nine passengers must have a power operated bilge pump. The source of power must be independent of the propulsion machinery. Other vessels must have a hand operated bilge pump, but may have a power operated pump if it is operated by an independent power source.

(c) Steering apparatus and miscellaneous systems.

(i) All vessels must be provided with a suitable steering apparatus.

(ii) All vessels must be provided with navigation lights and shapes, whistles, fog horns, and fog bells as required by the USCG rules of navigation.

(iii) All vessels must be equipped with a suitable number of portable battery lights for emergency purposes.

(d) Electrical installations. The electrical installations of all vessels must be at least equal to applicable USCG standards, or as approved by the director.

AMENDATORY SECTION (Amending WSR 98-05-046, filed 2/13/98, effective 4/15/98)

**WAC 296-155-487 Manually propelled elevating work platforms.** (1) All applicable rules for design, construction, maintenance, operation, testing and use of manually propelled elevating work platforms shall be in accordance with ANSI A92.3-1990.

(2) General requirements.

(a) Any manually propelled elevating work platform, when raised to its maximum working height, on level ground, shall be capable of sustaining, without reaching instability, a minimum horizontal test force of fifty pounds or fifteen percent of the rated capacity, whichever is greater, applied to any point on the perimeter of the platform while the platform is carrying the rated work load.

(b) Any manually propelled elevating work platform, unless designed for such use by the manufacturer, shall not be used on an inclined surface.

(c) Any work platform designed by the manufacturer to be operated on an inclined surface shall also be capable of passing the stability tests outlined in (a) of this subsection while on such a surface. Procedures for maintaining stability shall be clearly outlined in the special warnings section of the operating instructions and users shall follow these instructions.

(d) If outriggers or stabilizers must be employed to meet the tests for stability outlined in (a) of this subsection, the operating instructions shall require their use and such outriggers or stabilizers shall be provided and used.

(e) The platform width shall not be less than eighteen inches and shall be provided with a surface to minimize slipping.

(f) The platform shall be provided with a guardrail or other structure around its upper periphery and the guardrail shall be approximately forty-two inches high, plus or minus three inches, with a midrail approximately midway between the top rail and the platform surface.

(i) The guardrail system shall be designed and constructed to withstand a load of twenty-five pounds per linear foot applied in a horizontal direction to the top rail or midrail.

(ii) The top rail or midrail shall withstand a concentrated load of three hundred pounds applied vertically to the top of either rail midway between the supporting posts.

(iii) Guardrail terminal posts shall withstand two hundred pounds applied in any direction at the top of the post.

(g) The platform shall be provided with four-inch (nominal dimension) toeboards on all sides.

(h) Toeboards may be omitted at the access openings.

(i) The configuration of the work platform shall include access for personnel to use in reaching the platform deck when it is in the lowered position.

(i) Any access system used in this way shall have rungs or steps located on uniform centers not to exceed sixteen inches.

(ii) Steps or rungs shall be provided with a face that minimizes slipping.

(3) Safety factor specifications.

(a) Where the platform is supporting its rated work load by a system of wire ropes or chains, or both, the safety factor of the wire rope or chain shall not be less than eight to one, based on ultimate strength.

(b) All critical components of a hydraulic or pneumatic system used in a work platform shall have a bursting strength that exceeds the pressure attained when the system is subjected to the equivalent of four times the rated work load. (Critical components are those in which failure would result in a free descent.)

(c) All noncritical hydraulic components shall have a bursting strength safety factor of at least two to one.

(4) Fail safe requirements.

(a) Where the elevation of the platform is accomplished by an electromechanical assembly, the system shall be designed to prevent free descent in the event of a generator or power failure.

(b) Where the elevation of the platform is accomplished by a hydraulic or pneumatic cylinder assembly, the system shall be so equipped as to prevent free descent in the event of failure of a hydraulic or pneumatic line.

(c) Where the platform is horizontally extendable beyond the base of the machine, the system shall be so equipped as to prevent descent in the event of failure of a hydraulic or pneumatic line, wire rope, or chain.

(d) Where the elevation of the platform is accomplished by a single hoist cable, the system shall be protected by a broken-cable safety device which will prevent free descent of the platform.

(e) Where the elevation of the platform is accomplished by a manual-mechanical or manual-hydraulic assembly, the considerations established above shall apply.

(f) The control system shall be designed so that a single malfunction in the control system will not result in unintended machine motion.

(g) Hydraulically or pneumatically actuated outriggers or stabilizers, or both, shall be so constructed as to prevent their retraction in the event of failure of a hydraulic or pneumatic line.

(5) Emergency lowering means. Any work platform equipped with a powered elevating assembly shall be supplied with clearly marked emergency lowering means readily accessible from ground or floor level.

(6) Guarding. Mechanical power transmission apparatus shall be guarded in accordance with (~~WAC 296-24-205, General safety and health standards~~) chapter 296-806 WAC, Machine safety.

(7) Directional controls.

(a) All directional controls shall be marked for the direction they control and shall be of the type which automatically returns to the "off" or the neutral position when released.

(b) Controls shall be protected against inadvertent operation.

(8) Motor requirements.

(a) Fuel lines of internal-combustion-engine-powered work platforms shall be supported to minimize chafing and positioned to minimize exposure to engine exhaust heat. Liquid fuel lines shall be hard lines except where isolation from vibration requires a flexible connection.

(b) LP-gas engine fuel systems shall comply with the American National Standard for Storage and Handling of Liquefied Petroleum Gases, ANSI/NFPA 58-1995.

(c) The exhaust system shall be provided with a muffler that is positioned to minimize exposure to noise and exhaust gas of the operators and personnel located in proximity to the unit.

(9) Prevention of lateral movement. Each work platform shall be provided with locking screws, floor locks, wheel-locking mechanisms, or other means of preventing unintended lateral motions while in use.

(10) Specifications display. The following information shall be displayed on all work platforms in as permanent and as visible a manner as practical:

(a) Warnings, cautions, or restrictions for safe operation in accordance with American National Standard Specifications for Accident Prevention Signs, ANSI Z535.2-1991.

(b) Make, model, serial number, and manufacturer's name and address.

(c) Rated work load.

(d) Maximum platform height.

(e) Nominal voltage rating of batteries or rated voltage of AC line.

(f) Statement of the need for the operator's familiarity with the work platform before it is used.

(11) Alternative configuration statement. When a work platform is designed with alternative configurations:

(a) The manufacturer shall clearly describe these alternatives, including the rated capacity in each situation.

(b) If the rated work load of a platform is the same in any designed configuration, these additional descriptions are not necessary.

(12) Insulation marking. A statement of whether or not the work platform is electrically insulated. If insulated, the level of protection and the applicable test standard shall be stated in accordance with ANSI A92.2-1990.

(13) Maintenance and operating manuals requirement. An operating and maintenance manual(s) shall be provided with each work platform and shall contain:

(a) Descriptions, specifications, and ratings of the work platform, including the data specified in subsection (10) of this section.

(b) The maximum hydraulic and pneumatic systems pressure and the maximum voltage of the electrical systems which are part of the work platform.

(c) Instructions regarding operation and maintenance.

(d) Replacement part(s) information.

(14) Rated load display. The rated work load shall be clearly displayed at each entrance to the work platform.

(15) Management responsibilities.

(a) Employers responsibilities shall be in accordance with ANSI A92.3-1990.

(b) Only trained and authorized personnel shall be permitted to operate the work platform.

(c) Work platforms that are not in safe operating condition shall be removed from service until repaired.

(d) Repairs shall be made by a qualified person in conformance with the manufacturer's operating and maintenance manuals.

(e) Operators shall be trained in care and use before operation, care and use during operation, horizontal relocation, and additional requirements as specified in ANSI A92.3-1990.

(f) Modifications or alterations of work platforms shall be made only with written permission of the manufacturer or any other equivalent entity.

**AMENDATORY SECTION** (Amending WSR 98-05-046, filed 2/13/98, effective 4/15/98)

**WAC 296-155-488 Self propelled elevating work platforms.** (1) All applicable rules for design, construction, maintenance, operation, testing and use of self propelled elevating work platforms shall be in accordance with ANSI A92.6-1990.

(2) Minimum rated work load.

(a) The minimum rated work load of work platforms shall not be less than two hundred fifty pounds.

(b) All structural load-supporting elements of the work platform shall have a structural safety factor of not less than two based on the minimum yield strength of the material.

(c) All structural load-supporting elements of the work platform that are made of nonductile material (such as cast iron and fiberglass) shall have a structural safety factor of not less than five based on the minimum ultimate strength of the material.

(d) Design and stability tests shall be in accordance with ANSI A92.6-1990.

(e) Each production unit on level ground shall sustain a load test with a platform load at least one hundred fifty percent of the rated capacity imposed. The test shall include the movement of the platform through its entire range of motion.

(3) Driving interlock.

(a) The unit shall use interlock means that will prevent driving the unit unless the platform height, platform configuration, or any combination of these, are adjusted to meet the stability test requirements.

(b) A work platform limited in driveable height by the interlock means may be elevated and used while stationary up to the maximum platform heights at which it will maintain stability during the following static test. At the maximum platform height, on level ground, with the platform carrying

the rated work load, apply a horizontal test force of one hundred fifty pounds or fifteen percent of the rated platform load (whichever is greater) at the point on the perimeter of the platform most likely to cause overturning.

(4) Platform outrigger interlocks. Where outriggers, stabilizers, or extendable axles are required to meet the side load test, interlocks shall prevent the platform from being raised above the height at which these devices are required unless the required devices are extended. Interlocks shall also prevent the retraction of these devices while the platform is above that level.

(5) Platform requirement.

(a) A guardrail or other structure shall be provided around its upper periphery, which shall be approximately forty-two inches plus or minus three inches in height, a mid-rail, and toeboards which shall be not less than four inches high (nominal dimension). Guardrail and midrail chains, or the equivalent, may be substituted across an access opening. Toeboards may be omitted at the access opening.

(b) The work platform shall have a minimum width of eighteen inches. Proper access shall be provided for personnel to use in reaching the platform deck when it is in the lowered position.

(c) A floor surface shall be provided for both the platform and the access that will minimize slipping.

(6) System safety factors.

(a) When the platform supports its rated work load by a system of wire ropes or chains, or both, the safety factor of the wire rope or chains shall not be less than eight to one, based on ultimate strength.

(b) All critical hydraulic components, all pneumatic components, and all hoses of hydraulic or pneumatic systems shall have a minimum bursting strength of at least four times the operating pressure for which the system is designed.

(c) Noncritical hydraulic components shall have a minimum bursting strength of at least twice the operating pressure for which the system is designed.

(7) Safety design requirements.

(a) Where the elevation of the platform is accomplished by an electromechanical assembly, the system shall be designed to prevent free descent in the event of a generator or power failure.

(b) Where the elevation of the platform is accomplished by a hydraulic or pneumatic cylinder assembly, the system shall be so equipped as to prevent free descent in the event of a hydraulic or pneumatic line failure.

(c) Where the platform is horizontally extendable beyond the base of the machine, the system shall be so equipped as to prevent descent in the event of a hydraulic or pneumatic line failure.

(d) Where the elevation of the platform is accomplished by a single hoist cable, the system shall be protected by a broken-cable safety device that will prevent free descent of the platform.

(e) In addition to the primary operator controls, the work platform shall be equipped with an emergency stop device located at the primary control station that will deactivate all powered functions.

(f) Hydraulically or pneumatically actuated outriggers or stabilizers, or both, shall be designed to prevent their retraction in the event of a hydraulic or pneumatic line failure.

(g) Any work platform equipped with a powered elevating assembly shall be supplied with clearly marked emergency lowering means readily accessible from ground level.

(h) Mechanical power transmission apparatus shall be guarded in accordance with ~~((WAC 296-24-205, General safety and health standards))~~ chapter 296-806 WAC, Machine safety.

(8) Directional controls.

(a) Directional controls shall move in the direction of the function they control. The controls shall be of the type that automatically return to the off or the neutral position when released.

(b) Such controls shall be protected against inadvertent operation and shall be clearly marked.

(9) Engine requirement.

(a) Fuel lines of internal-combustion-engine-powered work platforms shall be supported to keep chafing to a minimum. They shall be located to keep exposure to engine and exhaust heat to a minimum.

(b) Liquid fuel lines shall be hard except where flexible connections are required for isolation from vibration.

(c) LP gas fuel systems shall use flexible LP gas hose or hard lines.

(d) Exhaust lines shall be equipped with mufflers. The lines shall be located to minimize the exposure of noise and fumes to operators and personnel near the units.

(10) Each work platform shall be equipped with a mechanical parking brake, which will hold the unit on any slope it is capable of climbing. Wheel chocks shall be installed before using an aerial lift on an incline, provided they can be safely installed.

(11) Specifications display. The following information shall be displayed on all work platforms in a clearly visible, accessible area and in as permanent a manner as possible:

(a) Warnings, cautions, or restrictions for safe operation in accordance with ANSI Z535.2-1991.

(b) Make, model, serial number, and manufacturer's name and address.

(c) Rated work load.

(d) Maximum platform height.

(e) Nominal voltage of the batteries if battery powered.

(f) A notice to study the operating/maintenance manual before using the equipment.

(g) Alternative configuration statement. If a work platform is susceptible to several alternative configurations, then the manufacturer shall clearly describe these alternatives, including the rated capacity in each situation. If the rated work load of a work platform is the same in any configuration, these additional descriptions are not necessary.

(h) A clear statement of whether or not the platform and its enclosure are electrically insulated. If insulated, the level of protection and the applicable test standard shall be stated, in accordance with ANSI 92.2-1990.

(i) The rated work load shall be clearly displayed at each entrance to the platform.

(12) Lift manual requirement. Each work platform shall be provided with an appropriate manual. The manual shall contain:

(a) Descriptions, specifications, and ratings of the work platform, including the data specified in subsection (11)(h) and (i) of this section.

(b) The maximum system pressure and the maximum voltage of the electrical systems that are part of the work platform.

(c) Instructions regarding operation, maintenance, and weld specifications.

(d) Replacement parts information.

(13) Inspection and maintenance.

(a) Each work platform shall be inspected, maintained, repaired and kept in proper working order in accordance with the manufacturer's maintenance and repair manuals.

(b) Any work platform not in safe operating condition shall be removed from service until it is repaired.

(c) All repairs shall be made by a qualified service person in conformance with the manufacturer's maintenance and repair manuals.

(14) Operator requirements. Only trained and authorized personnel shall be permitted to operate the work platform. Before using the work platform, the operator shall:

(a) Read and understand the manufacturer's operating instructions and safety rules, and be trained by a qualified person on the contents of the manufacturer's instructions and safety rules.

(b) Read and understand all decals, warnings, and instructions on the work platform.

(c) On a daily basis, before the work platform is used, it shall be given a thorough inspection, which shall include:

(i) Inspection for defects such as cracked welds, hydraulic leaks, damaged control cable, loose wire connections, and tire damage.

(ii) Inspection of functional controls for proper operation.

(d) Any suspect items discovered through inspection shall be carefully examined and a determination made by a qualified service person as to whether they constitute a safety hazard. All unsafe items shall be corrected before further use of the work platform.

(e) Before the work platform is used, the operator shall survey the area for hazards such as:

(i) Untamped earth fills.

(ii) Ditches.

(iii) Dropoffs or holes.

(iv) Bumps and floor obstructions.

(v) Debris.

(vi) Overhead obstructions and high-voltage conductors.

(vii) Other possible hazardous conditions.

(15) Requirement for operations. The work platform shall be used only in accordance with the Manufacturer's Operating Instructions and Safety Rules, ANSI A92.6-1990, and this standard.

(a) Only trained and authorized personnel shall be permitted to operate the work platform.

(b) Before each elevation of the work platform, the operator shall:

(i) Check for overhead obstructions and high-voltage conductors. A minimum distance of ten feet from energized high-voltage conductors shall be maintained at all times between the conductors and the operator and platform equipment.

(ii) Ensure that the work platform is elevated only on a firm and level surface.

(iii) Ensure that the load and its distribution on the platform are in accordance with the manufacturer's rated capacity. The manufacturer's recommended load limits shall never be exceeded.

(iv) Ensure that outriggers and stabilizers are used if the manufacturer's instructions require their use.

(v) Ensure that guardrails are properly installed, and gates or openings are closed.

(c) Before and during driving while the platform is elevated, the operator shall:

(i) Be required to look in the direction of, and keep a clear view of, the path of travel and assure that the path of travel is firm and level.

(ii) Maintain a safe distance from obstacles, debris, dropoffs, holes, depressions, ramps, or other hazards to safe elevated travel.

(iii) Maintain a safe distance from overhead obstacles.

(d) The operator shall limit travel speed according to conditions. Conditions to be observed are: Ground surface, congestion, slope, location of personnel, and other factors that may create a hazard of collision or injury to personnel.

(e) Stunt driving and horseplay shall not be permitted.

(f) Personnel shall maintain a firm footing on the platform while working thereon unless they are secured by safety harness and lanyard devices fixed to manufacturer-approved hard points. Use of railings or planks, ladders or any other device on the work platform for achieving additional height shall be prohibited.

(g) The operator shall immediately report defects or malfunctions which become evident during operation and shall stop use of the work platform until correction has been made.

(h) Altering or disabling of safety devices or interlocks shall be prohibited.

(i) Care shall be taken to prevent ropes, electric cords, hoses, etc., from tangling with the work platform when the platform is being elevated, lowered, or moved.

(j) Work platform rated capacities shall not be exceeded when loads are transferred to the platform at elevated heights.

(k) The operator shall ensure that the area surrounding the work platform is clear of personnel and equipment before lowering the platform.

(16) Fuel tanks shall not be filled while the engine is running. Spillage shall be avoided.

(17) Batteries shall not be charged except in an open, well-ventilated area, free of flame, smoking, spark, or fire.

(18) Modifications. All modifications and alterations to work platforms shall be certified in writing as being in conformance with ANSI A92.6-1990 by the manufacturer or any equivalent entity, such as a nationally recognized testing laboratory.

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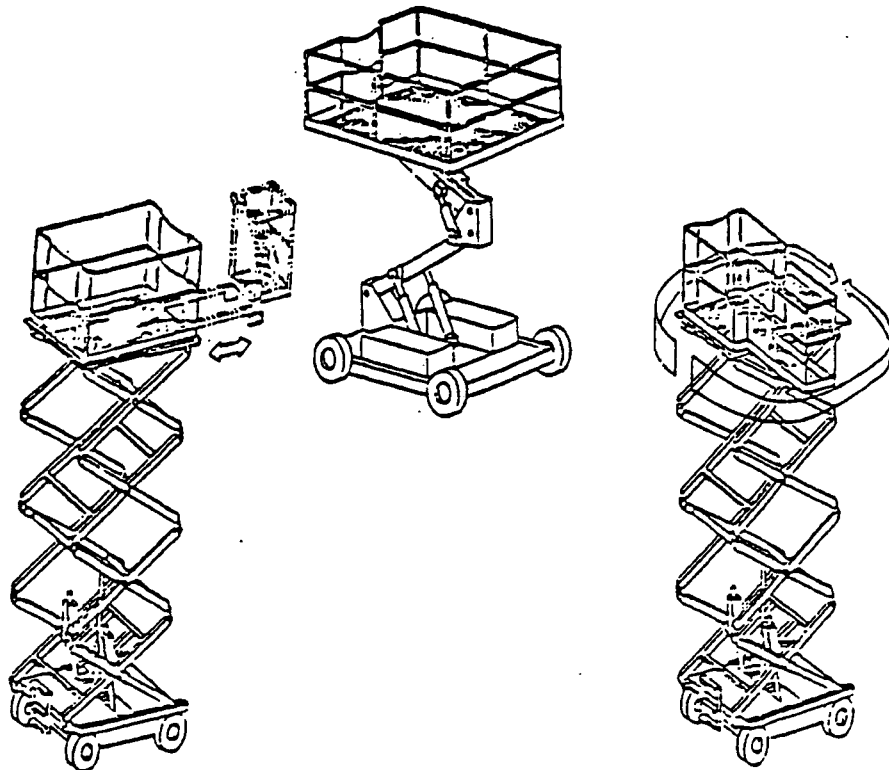


Fig. 1  
Examples of Work Platforms



AMENDATORY SECTION (Amending WSR 02-12-098, filed 6/5/02, effective 8/1/02)

**WAC 296-155-525 Cranes and derricks.** (1) Definitions applicable to this part:

**Accessory** - a secondary part or assembly of parts which contributes to the overall function and usefulness of a machine.

**Administrative or regulatory authority** - a governmental agency, or the employer in the absence of governmental jurisdiction.

**Angle indicator (boom)** - an accessory which measures the angle of the boom to the horizontal.

**Appointed** - assigned specific responsibilities by the employer or the employer's representative.

**Authorized person** - means a person approved or assigned by the employer to perform a specific type of duty or duties or be at a specific location or locations at the workplace.

**Auxiliary hoist** - a secondary hoist rope system used either in conjunction with, or independently of, the main hoist system.

**Axis of rotation** - the vertical axis around which the crane superstructure rotates.

**Axle** - the shaft or spindle with which or about which a wheel rotates. On wheel-mounted cranes it refers to a type of axle assembly including housings, gearing, differential, bearings, and mounting appurtenances.

**Axle (bogie)** - two or more axles mounted in tandem in a frame so as to divide the load between the axles and permit vertical oscillation of the wheels.

**Ballast** - weight used to supplement the weight of the machine in providing stability for lifting working loads (the term **ballast** is normally associated with locomotive cranes).

**Base, anchor bolt** - a crane base that is bolted to a footing.

**Base, expendable** - for static-mounting cranes, a style of bottom mast section or member that is cast into a concrete footing block; all or part of this component is lost to future installations.

**Base, fixed** - a crane base that does not travel. It may be expendable, knee braced, or anchor bolted.

**Base (mounting)** - the traveling base on which the rotating superstructure of a locomotive or crawler crane is mounted.

**Base, tower crane** - the lowermost supporting component of the crane.

**Base, travel** - a crane base that is a ballasted platform mounted on trucks that ride along rails.

**Boom (crane)** - a member hinged at the rotating superstructure and used for supporting the existing tackle.

**Boom angle** - the angle above or below horizontal of the longitudinal axis of the base boom section.

**Boom hoist mechanism** - means for supporting the boom and controlling the boom angle.

**Boom point** - the outer extremity of the crane boom, containing the hoist sheave assembly.

**Boom point sheave assembly** - an assembly of sheaves and pin built as an integral part of the boom point.

**Boom stop** - a device used to limit the angle of the boom at the highest recommended position.

**Brake** - a device used for retarding or stopping motion.

**Brace, tower** - a structural attachment placed between a crane tower and an adjacent structure to pass loads to the adjacent structure and permit the crane to be erected to greater than free standing height.

**Buffer** - an energy absorbing device for reducing impact when a moving crane or trolley reaches the end of its permitted travel.

**Cab** - a housing which covers the rotating superstructure machinery, or the operator's or driver's station.

**Climbing frame** - a frame used with climbing cranes to transmit operational and climbing reactions to the host building frame.

**Climbing ladder** - a steel member with crossbars (used in parts) suspended from a climbing frame and used as jacking support points when some cranes climb.

**Clutch** - a means for engagement or disengagement of power.

**Commercial truck vehicle** - a commercial motor vehicle designed primarily for the transportation of property in connection with business and industry.

**Counterweight** - weight used to supplement the weight of the machine in providing stability for lifting working loads.

**Counterweight jib** - a horizontal member of a crane on which the counterweights and usually the hoisting machinery are mounted.

**Crane carrier** - the undercarriage of a wheel-mounted crane specifically designed for transporting the rotating crane superstructure. It may or may not provide its own travel mechanism. It is distinguished from a commercial truck vehicle in that it is not designed to transport personnel, materials, or equipment other than the crane-rotating superstructure.

**Cross-over points** - in multiple layer spooling of rope on a drum, those points of rope contact where the rope crosses the preceding rope layer.

**Designated** - selected or assigned by the employer or the employer's representative as being competent to perform specific duties.

**Drum** - the cylindrical member around which a rope is wound for lifting and lowering the load or boom.

**Dynamic (loading)** - loads introduced into the machine or its components due to accelerating or decelerating forces.

**Flange point** - a point of contact between rope and drum flange where the rope changes layers.

**Free standing height** - that height of a crane which is supported by the tower (mast) alone without assistance from braces, guys, or other means.

**Gage, track** - the horizontal distance between two rails measured perpendicular to the direction of travel.

**Gantry (A-frame)** - a structural frame, extending above the superstructure, to which the boom support ropes are reeved.

**High strength (traction) bolts** - high strength tensile bolts used in the assembly of crane sections. The bolts are installed in tension by torquing or other means at a level greater than that produced by in- or out-of-service loads for the purpose of reducing the likelihood of bolt fatigue failure.

**Hoist mechanism** - a hoist drum and rope reeving system used for lifting and lowering loads.

**Jib** - an extension attached to the boom point to provide added boom length for lifting specified loads. The jib may be in line with the boom or offset to various angles in the vertical plane of the boom.

**Jib backstop** - a device which will restrain the jib from turning over backward.

**Job site** - work area defined by the construction contract.

**Limiting device** - a mechanical device which is operated by some part of a power driven machine or equipment to control loads or motions of the machine or equipment.

**Load (working)** - the external load in pounds (kilograms) applied to the crane, including the weight of load-attaching equipment such as lower load block, shackles, and slings.

**Load block, lower** - the assembly of hook or shackle, swivel, sheaves, pins, and frame suspended by the hoisting ropes.

**Load block, upper** - the assembly of shackle, swivel, sheaves, pins, and frame suspended from the boom point.

**Load ratings** - crane ratings in pounds (kilograms) established by the manufacturer.

**Mast (boom)** - a frame hinged at or near the boom hinge for use in connection with supporting a boom. The head of the mast is usually supported and raised or lowered by the boom hoist ropes.

**Mast (jib)** - a frame hinged at or near the boom point for use in connection with supporting a jib.

**Normal operating conditions.**

**Cab- or station-operated cranes** - conditions during which a crane is performing functions within the manufacturer's operating recommendations. Under these conditions, the operator is at the operating control devices on the crane, and no other persons except those appointed are to be on the crane.

**Ground- or floor-operated cranes** - conditions during which a crane is performing functions within the manufacturer's operating recommendations. Under these conditions, the operator is at the operating control devices that are mounted to the crane but operated with the operator off the crane, and no other persons except those appointed are to be on the crane.

**Remote-operated cranes** - conditions during which a crane is performing functions within the manufacturer's operating recommendations. Under these conditions, the operator is at the operating control devices that are mounted to any part of the crane, and no other persons except those appointed are to be on the crane.

**Out-of-service** - the condition of a crane when unloaded, without power and with the controls unattended and prepared to endure winds above the in-service level.

**Outriggers** - extendable or fixed members attached to the mounting base, which rest on supports at the outer ends used to support the crane.

**Pawl (dog)** - a device for positively holding a member against motion in one or more directions.

**Payload** - that load or loads being transported by the commercial truck chassis from place to place.

**Pendant** - a rope or strand of specified length with fixed end connections.

**Pitch diameter** - the diameter of a sheave or rope drum measured at the center line of the rope.

**Power-controlled lowering** - a system or device in the power train, other than the load hoist brake, which can control the lowering rate of speed of the load hoist mechanism.

**Qualified person** - a person who, by possession of a recognized degree or certificate of professional standing, or who, by extensive knowledge, training, and experience, has successfully demonstrated the ability to solve or resolve problems relating to the subject matter and work.

**Radius (load)** - the horizontal distance from a projection of the axis of rotation to the base of the crane, before loading, to the center of the vertical hoist line or tackle with load applied.

**Rail clamp** - a tong-like metal device mounted on a locomotive crane car, which can be connected to the track.

**Reeving** - a rope system in which the rope travels around drums and sheaves.

**Remote control station** - a location, not on the crane, from which the operator can control all the crane movements.

**Repetitive pickup point** - when operating on a short cycle operation, the rope being used on a single layer and being spooled repetitively over a short portion of the drum.

**Rope** - refers to wire rope unless otherwise specified.

**Rotation resistant rope** - a wire rope consisting of an inner layer of strand laid in one direction covered by a layer of strand laid in the opposite direction. This has the effect of counteracting torque by reducing the tendency of the finished rope to rotate.

**Running rope** - a rope which travels around sheaves or drums.

**Shall** - this word indicates that the rule is mandatory and must be followed.

**Service, light** - service that involves irregular operation with loads generally about one-half or less of the rated load; a service crane at a storage yard or building site would be an example.

**Service, normal** - service that involves operating occasionally at rated load but normally at less than eighty-five percent of the rated load and not more than ten lift cycles per hour except for isolated instances; a crane used for concrete placement at a building site would be an example.

**Service, heavy** - service that involves operating at eighty-five percent to one hundred percent of the rated load or in excess of ten lift cycles per hour as a regular specified procedure; some cranes operating at material yards or in industrial applications may fall into this category.

**Sheave** - a grooved wheel or pulley used with a rope to change the direction and point of application of a pulling force.

**Should** - this word indicates that the rule is a recommendation, the advisability of which depends on the facts in each situation.

**Side loading** - a load applied to an angle to the vertical plane of the boom.

**Stabilizer** - stabilizers are extendable or fixed members attached to the mounting base to increase the stability of the crane, but which may not have the capability of relieving all of the weight from wheels or tracks.

**Standby crane** - a crane which is not in regular service but which is used occasionally or intermittently as required.

**Standing (guy) rope** - a supporting rope which maintains a constant distance between the points of attachment to the two components connected by the rope.

**Structural competence** - the ability of the machine and its components to withstand the stresses imposed by applied loads.

**Superstructure** - the rotating upper frame structure of the machine and the operating machinery mounted thereon.

**Swing** - rotation of the superstructure for movement of loads in a horizontal direction about the axis of rotation.

**Swing mechanism** - the machinery involved in providing rotation of the superstructure.

**Swivel** - a load carrying member with thrust bearings to permit rotation under load in a plane perpendicular to the direction of the load.

**Swiveling** - the rotation of the load attachment portion (hook or shackle) of a load block (lower) or hook assembly about its axis of suspension in relation to the load line(s).

**Tackle** - an assembly of ropes and sheaves arranged for lifting, lowering, or pulling.

**Telescoping boom** - consists of a base boom from which one or more boom sections are telescoped for additional length.

**Telescoping (tower crane)** - a process whereby the height of a traveling or fixed base crane is increased typically by raising the inner tower and then adding sections at the top of the outer tower; there are also cranes that are telescoped by adding to the inner tower from below.

**Tower (mast)** - a vertical structural frame consisting of columns and bracing capable of supporting an upperstructure with its working and dynamic loads and transmitting them to the supporting surface or structure.

**Traction (high strength) bolts** - see high strength bolts.

**Transit** - the moving or transporting of a crane from one job site to another.

**Travel** - the function of the machine moving under its own power from one location to another on a job site.

**Trolley** - the device that travels along the load jib and contains the upper load block.

**Two-blocking** - the condition in which the lower load block or hook assembly comes in contact with the upper load block or boom point sheave assembly.

**Weather vaning** - wind induced rotation of a crane upperstructure, when out-of-service, to expose minimal surface area to the wind.

**Wedge** - a tapered wood or steel device used to provide stability to cranes during use as a climber. When the wedges are tightened against the four main legs of the tower, they convert overturning moments into horizontal forces to be resisted by the floor framing or slab.

**Wheel base** - the distance between centers of front and rear axles. For a multiple axle assembly the axle center for wheel base measurement is taken as the midpoint of the assembly.

**Whipline (runner or auxiliary)** - a secondary rope system usually of lighter load capacity than that provided by the main rope system.

**Winch head** - a power driven spool for handling of loads by means of friction between fiber or wire rope and the spool.

(2) General requirements.

(a) The employer shall comply with the manufacturer's specifications and limitations applicable to the operation of any and all cranes and derricks. 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. Attachments used with cranes shall not exceed the capacity, rating, or scope recommended by the manufacturer.

(b) Rated load capacities, and recommended operating speeds, and special hazard warnings, or instruction, shall be conspicuously posted on all equipment. Instructions or warnings shall be visible to the operator while at the control station.

(c) Hand signals to crane and derrick operators shall be those prescribed by the applicable ANSI standard for the type of crane in use. An illustration of the signals shall be posted at the job site.

(d) The employer shall designate a competent person who shall inspect all machinery and equipment prior to each use, and periodically during use to make sure it is in safe operating condition. Any deficiencies shall be repaired, or defective parts replaced, before continued use.

(e) A thorough, annual inspection of the hoisting machinery shall be made by a competent person, or by a government or private agency recognized by the department. The employer shall maintain a permanent record of the dates and results of all inspections for each hoisting machine and piece of equipment.

(f) A tag line or guide rope shall be used on all loads that swing freely. Guide ropes or tag lines shall be held by experienced persons.

(g) Care shall be taken to guard against injury to workers, or damage to scaffolds or buildings, from swinging loads.

(h) The operator shall avoid carrying loads over people.

(i) When work is stopped or when the derrick is not in operation, the boom shall be lowered to a horizontal position or tied in place to prevent it whipping with the wind or other external force.

(j) Only authorized personnel shall make sling hitches on loads.

(k) Workers shall not be allowed to ride on loads handled by derricks.

(l) Operators shall observe signals only from duly authorized persons. Under no circumstances shall a load be moved until the signal is received from authorized personnel.

(m) Belts, gears, shafts, pulleys, sprockets, spindles, drums, fly wheels, chains, or other reciprocating, rotating, or other moving parts or equipment shall be guarded if such parts are exposed to contact by employees, or otherwise create a hazard. Guarding shall meet the requirements of chapter ((296-24 WAC)) 296-806 WAC, Machine safety.

(n) A minimum distance of thirty inches clearance shall be maintained between the swing radius of the greatest extension of the crane superstructure or counterweights and a stationary object, including the crane itself, while the crane is in operation. When this clearance cannot be maintained, suit-

able barricades or safeguards shall be used to isolate the pinch point hazard area.

(o) All exhaust pipes shall be guarded or insulated where contact by employees, in the performance of normal duties, is possible.

(3) Additional requirements.

(a) Whenever internal combustion engine powered equipment exhausts in enclosed spaces, tests shall be made and recorded to see that employees are not exposed to unsafe concentrations of toxic gases or oxygen deficient atmospheres. (See chapter 296-62 WAC, the general occupational health standards and other applicable standards.)

(b) All cab glazing shall be safety glazing material. Windows shall be provided in the front and on both sides of the cab or operator's compartment with visibility forward and to either side. Visibility forward shall include a vertical range adequate to cover the boom point at all times. The front window may have a section which can be readily removed or held open, if desired. If the section is of the type held in the open position, it shall be secured to prevent inadvertent closure. A windshield wiper should be provided on the front window.

(c)(i) Where necessary for rigging or service requirements, a ladder or steps shall be provided to give access to a cab roof.

(ii) On cranes, guardrails, handholds and steps shall be provided for easy access to the car and cab in accordance with chapter 296-155 WAC, Part C-1 and Part J.

(iii) Platforms and walkways shall have anti-skid surfaces.

(d) Fuel tank filler pipe shall be located in such a position, or protected in such manner, as to not allow spill or overflow to run onto the engine, exhaust, or electrical equipment of any machine being fueled.

(i) An accessible fire extinguisher of 5BC rating, or higher, shall be available at all operator stations or cabs of equipment.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

(ii) All fuels shall be transported, stored, and handled to meet the rules of Part D of this chapter. When fuel is transported by vehicles on public highways, department of transportation rules concerning such vehicular transportation are considered applicable.

(e) Except where electrical distribution and transmission lines have been deenergized and visibly grounded at point of work or where insulating barriers, not a part of or an attachment to the equipment or machinery, have been erected to prevent physical contact with the lines, equipment or machines shall be operated proximate to power lines only in accordance with the following:

(i) For lines rated 50 kV. or below, minimum clearance between the lines and any part of the crane or load shall be 10 feet;

(ii) For lines rated over 50 kV., minimum clearance between the lines and any part of the crane or load shall be 10 feet plus 0.4 inch for each 1 kV. over 50 kV., or twice the length of the line insulator, but never less than 10 feet;

(iii) In transit with no load and boom lowered, the equipment clearance shall be a minimum of 4 feet for voltages less

than 50 kV., and 10 feet for voltages over 50 kV. up to and including 345 kV., and 16 feet for voltages up to and including 750 kV;

(iv) A person shall be designated to observe clearance of the equipment and give timely warning to insure that the required separation is maintained for all operations where it is difficult for the operator to maintain the desired clearance by visual means;

(v) Cage-type boom guards, insulating links, or proximity warning devices may be used on cranes, but the use of such devices shall not alter the requirements of any other regulation of this part even if such device is required by law or regulation;

(vi) Any overhead wire shall be considered to be an energized line unless and until the person owning such line or the electrical utility authorities indicate that it is not an energized line and it has been visibly grounded;

(vii) Prior to work near transmitter tower where an electrical charge can be induced in the equipment or materials being handled, the transmitter shall be deenergized or tests shall be made to determine if electrical charge is induced on the crane.

(f) The following precautions shall be taken when necessary to dissipate induced voltage:

(i) The equipment shall be provided with an electrical ground directly to the upper rotating structure supporting the boom; and

(ii) Ground jumper cables shall be attached to materials being handled by boom equipment when electrical charge is induced while working near energized transmitters. Crews shall be provided with nonconductive poles having large alligator clips or other similar protection to attach the ground cable to the load.

(iii) Combustible and flammable materials shall be removed from the immediate area prior to operations.

(g) No modifications or additions which affect the capacity or safe operation of the equipment shall be made by the employer without the manufacturer's or a qualified engineer's written approval. If such modifications or changes are made, the capacity, operation, and maintenance instruction plates, tags, or decals, shall be changed accordingly. In no case shall the original safety factor of the equipment be reduced.

(h) The employer shall comply with Power Crane and Shovel Association, Mobile Hydraulic Crane Standard No. 2.

(i) Sideboom cranes mounted on wheel or crawler tractors shall meet the requirements of SAE J743a-1964.

(4) Crawler, locomotive, and truck cranes.

(a) All jibs shall have positive stops to prevent their movement of more than 5° above the straight line of the jib and boom on conventional type crane booms. The use of cable type belly slings does not constitute compliance with this standard.

(b) All crawler, truck or locomotive cranes in use shall meet the applicable requirements for design, inspection, construction, testing, maintenance and operation as prescribed in the ANSI B30.5-1989, Safety Code for Crawler, Locomotive and Truck Cranes.

(5) Tower cranes.

(a) Tower cranes shall be erected, jumped and dismantled under the immediate supervision of a competent person, designated by the employer.

(b) Tower cranes shall be erected, maintained and used in accordance with the manufacturer's specifications, recommendations and procedures. All modifications shall be approved by the manufacturer and engineered by a professional engineer. The safety factors shall not be reduced by any modifications. The crane plates and charts shall be changed to reflect any modifications made.

(c) A professional engineer shall certify that the crane foundations and underlying soil are adequate support for the tower crane with its maximum overturning movement.

(d) Tower cranes shall be positioned whereby they can swing 360° without either the counterweight or jib striking any building, structure or other object, except:

(i) If the crane can strike an object or another crane, suitable limit switches shall be installed which will prohibit contact with such objects, or;

(ii) Direct voice communications shall be established between any operator of the tower crane(s) involved and a signalperson so stationed where the boom and/or counterweight movement, and the object with which it may contact can be observed so that the operator(s) can be warned of imminent danger.

(iii) A secondary means of positive communications shall be established as a back-up for possible direct voice communication failure.

(iv) Radio communication systems without tone coded squelch are prohibited. Citizens band radios shall not be used as a means of communications for tower cranes.

(e) Prior to installing a climbing tower crane within an existing building or new construction, a structural engineer shall certify that the building is designed to withstand the torque and floor loading created by the crane to be installed.

(f) Tower cranes erected on a new foundation shall be tested in accordance with ANSI B30.3-1990 Chapter 3-1.

(i) The test shall consist of suspending a load of not less than 110% of the rated capacity for 15 minutes. The load shall be suspended from the furthest point of the length of boom (jib) to be used. The results of this test shall be within the manufacturer's recommendations and/or specifications.

(ii) A record of each test shall be made and signed by the person responsible for conducting the test. Such records shall be maintained on the construction site for the duration of the construction work for which it was erected and subsequently made a part of the firm's permanent equipment records. Records shall be made available to authorized representatives of the department, upon request.

(g) A capacity chart shall be furnished by each crane manufacturer which shall include a full and complete range of crane load ratings at all stated operating radii for each allowable speed and each recommended counterweight load.

(i) Such chart shall be posted in the operator's cab or at the remote control stand in use. In lieu of the chart at the remote control stand, a minimum of two weight capacity signs shall be affixed to the jib or boom.

(ii) The chart shall be visible and readable to the operator while at the normal operating position.

(h) Operating controls shall be properly marked to indicate the function of the controls in each position.

(i) An operating and maintenance manual written in the English language shall be provided with each tower crane.

(j) Limit switches shall be installed and shall be kept properly adjusted. They shall be protected or isolated in a manner which will prevent unauthorized tampering. Limit switches shall provide the following functions:

(i) Safely limit the travel of the trolley to prevent it from hitting the outer end of the jib.

(ii) Limit the upward travel of the load block to prevent two-blocking.

(iii) Lower over travel limiting devices shall be provided for all load hoists where the hook area is not visible to the operator.

(iv) Limit the load being lifted in a manner whereby no more than 110% of the maximum rated load can be lifted or moved.

(k) The crane shall not be used to pull vehicles of any type, remove piling, loosen form work, pull away loads which are attached to the ground or walls, or for any operation other than the proper handling of freely suspended loads.

(l) When the operator may be exposed to the hazard of falling objects, the tower crane cab and/or remote control station shall have adequate overhead protection.

(m) The operator shall be protected from the weather. If enclosed cabs are provided they shall provide clear visibility in all directions and glass shall be approved safety glass or the equivalent.

(n) An approved and safe means shall be provided for access to operator's cab and machinery platform.

(o) When necessary for inspection or maintenance purposes, ladders, walkways with railing or other devices shall be provided.

(p) Each tower crane shall be provided with a slewing brake capable of preventing the jib or boom from rotating in either direction and stopping the rotation of the jib or boom while loaded, when desired. Such brake shall have a holding device which, when set, will hold the jib or boom in a fixed location without additional attention of the operator. When the crane is out of operation, the jib or boom shall be pointed downwind and the slewing brake shall be released so as to permit the jib or boom to weathervane, providing the jib or boom has a clear 360 degree rotation. Where a 360 degree rotation is not provided, the jib or boom shall be pointed downwind from the prevailing wind and the slewing brake set.

(q) Each tower crane shall be provided with a braking system on the trolley capable of stopping and holding the trolley in any desired position while carrying a maximum load. This brake shall be capable of being locked in a fixed location without additional attention of the operator. An automatic brake or device shall be installed which will immediately stop and lock the trolley in position in the event of a breakage of the trolley rope.

(r) All electrical equipment shall be properly grounded and protection shall be provided against lightning.

(s) When the operator is actually operating the crane, the operator shall remain in a stationary position.

(t) All crane brakes shall automatically set in event of power failure. Swing brakes shall also function in this manner or be capable of being set manually.

(u) Climbing jack systems used for raising a tower crane shall be equipped with over-pressure relief valves, direct-reading pressure gauges, and pilot-operated hydraulic check valves installed in a manner which will prevent jack from retracting should a hydraulic line or fitting rupture or fail.

(v) During periods of high winds or weather affecting visibility, i.e., fog, etc., only loads shall be handled that are consistent with good safety practices. Good safety practices shall be mutually agreed upon by the operator and the person in charge of the construction job, with due consideration given to manufacturer's specifications and recommendations.

(w) Counterweights shall be securely fastened in place and shall not exceed the weight as recommended by the manufacturer for the length of jib being used. However, an amount of counterweight as recommended by the manufacturer shall be used.

(x) Tower cranes shall be inspected and maintained in accordance with the manufacturer's recommendations or more frequently if there is reason to suspect a possible defect or weakening of any portion of the structure or equipment.

(y) Guy wires, wedges, braces or other supports shall be inspected at the beginning and at midpoint of each working shift to ascertain that they are functioning as intended.

(6) Additional tower crane requirements.

(a) An approved method must be instituted for transmitting signals to the operator. Standard hand signals for crane operations must be used, whenever possible; however, if conditions are such that hand signals are ineffective, radio-controlled or electric-whistle signal or two-way voice communication must be used. (See WAC 296-155-525 (5)(d).)

(b) Tower cranes shall not be erected or raised when the wind velocity at the worksite exceeds 20 m.p.h. or that specified by the manufacturer.

(c) Tower crane operators shall be trained and experienced in tower crane operations; however, for gaining experience, persons may operate the tower crane if under the immediate supervision of an experienced operator.

(d) Adequate clearance shall be maintained between moving and rotating structures of the crane and fixed objects to allow the passage of employees without harm.

(e) Employees required to perform duties on the horizontal boom of hammerhead tower cranes shall be protected against falling by guardrails or by a full body harness and lanyards attached to crane or to lifelines in conformance with Part C-1 of this chapter.

(f) Buffers shall be provided at both ends of travel of the trolley.

(g) Cranes mounted on rail tracks shall be equipped with limit switches limiting the travel of the crane on the track and stops or buffers at each end of the tracks.

(h) All hammerhead tower cranes in use shall meet the applicable requirements for design, construction, installation, testing, maintenance, inspection, and operation as prescribed by the manufacturer.

(i) Access ladders inside the telescoping sections of tower cranes are exempt from those sections of the safety standards pertaining to cleat length and cleat spacing, but

shall conform to manufacturer's recommendations and specifications.

(7) Overhead and gantry cranes.

(a) The rated load of the crane shall be plainly marked on each side of the crane, and if the crane has more than one hoisting unit, each hoist shall have its rated load marked on it or its load block, and this marking shall be clearly legible from the ground or floor.

(b) Bridge trucks shall be equipped with sweeps which extend below the top of the rail and project in front of the truck wheels.

(c) Except for floor-operated cranes, a gong or other effective audible warning signal shall be provided for each crane equipped with a power traveling mechanism.

(d) All overhead and gantry cranes in use shall meet the applicable requirements for design, construction, installation, testing, maintenance, inspection, and operation as prescribed in ANSI B30.2.0-1990, Safety Code for Overhead and Gantry Cranes.

(8) Derricks. All derricks in use shall meet the applicable requirements for design, construction, installation, inspection, testing, maintenance, and operation as prescribed in American National Standard Institute B30.6-1990, Safety Code for Derricks.

(9) Floating cranes and derricks.

(a) Mobile cranes mounted on barges.

(i) When a mobile crane is mounted on a barge, the rated load of the crane shall not exceed the original capacity specified by the manufacturer.

(ii) A load rating chart, with clearly legible letters and figures, shall be provided with each crane, and securely fixed at a location easily visible to the operator.

(iii) When load ratings are reduced to stay within the limits for list of the barge with a crane mounted on it, a new load rating chart shall be provided.

(iv) Mobile cranes on barges shall be positively secured.

(b) Permanently mounted floating cranes and derricks.

(i) When cranes and derricks are permanently installed on a barge, the capacity and limitations of use shall be based on competent design criteria.

(ii) A load rating chart with clearly legible letters and figures shall be provided and securely fixed at a location easily visible to the operator.

(iii) Floating cranes and floating derricks in use shall meet the applicable requirements for design, construction, installation, testing, maintenance, and operation as prescribed by the manufacturer.

(c) Protection of employees working on barges. The employer shall comply with the applicable requirements for protection of employees as specified in WAC 296-155-630.

(10) Mobile cranes and excavation machines.

(a) In all power driven shovel operations the person in charge shall issue instructions necessary to prevent accidents, to detect and correct unsafe acts and dangerous conditions, and to enforce all safety rules and regulations.

The person in charge shall also issue instructions on the proper method of using tools and handling material.

(b) Where the ground is soft or uneven, timbering and planking shall be used to provide firm foundation and distribute the load.

(c) In case of a breakdown, the shovel shall be moved away from the foot of the slope before repairs are made.

(d) All persons shall keep away from the range of the shovel's swing and shall not be permitted to stand back of the shovel or in line with the swing of the dipper during operation or moving of shovel.

(e) Unauthorized persons shall not be allowed on the shovel during operations, and the operator shall not converse with other persons while operating machine.

(f) The shovel dipper shall rest on the ground or on blocking during shut down periods.

(g) Shovels shall be inspected daily and all defects promptly repaired.

(h) All rubber tired mobile cranes shall be equipped with outriggers and sufficient blocking to properly stabilize crane while operating.

(i) Rubber tired mobile cranes shall be equipped with rear view mirrors.

(j) Positive boom stops shall be provided on all mobile cranes of the wheel and crawler type.

(k) Length of a crane boom and amount of counterweight shall not exceed manufacturer's rated capacity for equipment involved; except on isolated cases where permission is granted by the department.

(l) On all cranes where wedge brackets are used as terminal connections, the proper size wedge shall be used.

(m) On all mobile cranes, the hoist and boom drums shall be provided with a positive operated pawl or dog which shall be used in addition to the brake to hold the load and boom when they are suspended. Counterweight operated dogs are prohibited.

(n) Oiling and greasing shall be done under safe conditions with machine at rest, except when motion of machine is necessary.

(o) All steps, running boards, and boom ladder shall be of substantial construction and in good repair at all times.

(p) Operators shall not leave the cab while master clutch is engaged.

(q) Fire extinguishers shall be readily accessible and within reach of operator at all times.

(r) All shovel and crane cabs shall be kept clean and free of excess oil and grease on floor and machinery. Oily and greasy rags shall be disposed of immediately after use and not allowed to accumulate.

(s) Tools shall not be left on the cab floor. Spare cans of oil or fuel, and spare parts, shall not be stored in cabs, except in approved racks provided for that purpose.

(t) Mats or planking shall be used in moving shovels or cranes over soft or uneven ground.

(u) Cranes or shovels setting on steep grades shall be securely blocked or secured with a tail hold.

(v) Smoking shall be prohibited while fueling or oiling machines.

(w) Gasoline powered motors shall be stopped during refueling.

(x) Handling of movable feed line (bologna) shall be accomplished with insulated hooks and lineman's rubber gloves.

(y) Where cables cross roads they shall be elevated or placed in a trench.

(z) On all power shovels, including back-hoe types, of one-half cubic yard capacity or over, and on all dragline cranes or all-purpose cranes of the crawler or wheel type, two persons shall constitute the minimum working crew. It is mandatory that one be a qualified operator of the equipment in use. The job title of the other crew member may be oiler, rigger, signal person, or a laborer. The primary purpose of the second crew member is to signal the operator when the operator's vision is impaired or obscured and to be on-hand in case of emergency.

(i) Second-crew persons shall be properly trained in their second-person required skills.

(ii) The second crew member shall be close enough to the machine in operation to be aware of any emergency, if one arises, and to assure the machine is operated with necessary and appropriate signals to the operator.

**AMENDATORY SECTION** (Amending WSR 00-21-102, filed 10/18/00, effective 2/1/01)

**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 chapter 296-155 WAC, Part C-1.

(4) Concrete mixers. Concrete mixers with one cubic yard (.8 m<sup>3</sup>) 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 pumps and placing booms.

(a) Definitions.

"Concrete delivery hose" means a flexible concrete delivery hose which has two end couplings.

"Concrete pump" means a construction machine that pumps concrete.

"Controls" means the devices used to operate a machine.

"Delivery systems" means the pipe, hoses and components, through which the concrete is pumped.

"Grooved end" means a pipe clamp pipe connection where a groove is machined or rolled directly into the outside of the pipe wall (for example: Victualic).

"Material pressure" means the pressure exerted on the concrete inside the delivery system.

"Placing boom and placing unit" means a manual or power driven, slewable working device which:

- Consists of one or more extendable or folding parts for supporting the concrete delivery system, and directs the discharge into the desired location; and

- May be mounted on trucks, trailers, or special vehicles.

"Qualified person" means someone who:

- Possesses a recognized degree or certificate of professional standing; or

- Has extensive knowledge, training, and experience; or

- Successfully demonstrated the ability to resolve problems relating to the work.

"Restraining devices" means a sling, cable, or equivalent device used to minimize excess movement of a delivery system in case of separation.

"Whip hoses" means a suspended hose that has only one coupling and is used to direct the delivery of concrete.

(b) Equipment requirements.

(i) Equipment identification tag.

The employer must ensure the following identification is furnished if originally identified by the manufacturer and on all pumps manufactured after January 1, 1998:

- The manufacturer's name;

- The year of manufacture;

- The model and serial number;

- The maximum material pressure;

- The maximum allowable pressure in the hydraulic system; and

- The maximum weight per foot of delivery system including concrete.

(ii) Manufacturer's manual.

The employer must have the manufacturer's operation/safety manual or equivalent available for each concrete pump or placing boom.

(iii) Unsafe condition of equipment.

If during an equipment inspection a condition is revealed that might endanger workers, the equipment must not be returned to service until the condition is corrected.

(iv) Controls.

Controls must have their function clearly marked.

(v) Hydraulic systems.

(A) Concrete pumps and placing booms hydraulic systems must have pressure relief valves to prevent cylinder and boom damage.

(B) Hydraulic systems must have hydraulic holding valves if hose or coupling failure could result in uncontrolled vertical movement.

(vi) Certification.

In the event of failure of a structural member, overloading, or contact with energized electric power lines and before return to service, the equipment must be certified safe by:

- The manufacturer; or

- An agent of the manufacturer; or

- A professional engineer.

(vii) Marking weight. A permanent, legible notice stating the total weight of the unit must be marked on:

- Trailer or skid mounted concrete pumps;

- Placing booms; and

- All major detachable components over five hundred pounds.

(viii) Lifting a pump.

A concrete pump must be lifted using the lift points specified by the manufacturer or a professional engineer.

(ix) Emergency shutoff.

A concrete pump must have a clearly labeled emergency stop switch that stops the pumping action.

(x) Inlet and outlet guarding.

(A) The waterbox must have a fixed guard to prevent unintentional access to the moving parts.

(B) The agitator must be guarded with a point of operation guard in accordance with ((WAC 296-24-19507, Table 0-10)) chapter 296-806 WAC, Machine safety, and the guard must be:

- Hinged or bolted in place;

- At least three inches distance from the agitator;

- Be capable of supporting a load of two hundred fifty pounds.

(C) A person must not stand on the guard when the pump or agitator is running.

(xi) Outriggers.

(A) Outriggers must be used in accordance with the manufacturer's specifications.

(B) Concrete pump trucks manufactured after January 1, 1998, must have outriggers or jacks permanently marked to indicate the maximum loading they transmit to the ground.

(xii) Load on a placing boom.

(A) The manufacturer's or a licensed, registered, structural engineer's specifications for the placing boom must not be exceeded by:

- The weight of the load;

- The length and diameter of suspended hose;

- The diameter and weight of mounted pipe.

(B) A concrete placing boom must not be used to drag hoses or lift other loads.

(C) All engineering calculations regarding modifications must be:

- Documented;

- Recorded; and

- Available upon request.



(xiii) Pipe diameter thickness. The pipe wall thickness must be measured in accordance with the manufacturer's instruction, and:

- Be sufficient to maintain a burst pressure greater than the maximum pressure the pump can produce;
- The pipe sections must be replaced when measurements indicate wall thickness has been reduced to the limits specified by the manufacturer.

(xiv) Pipe clamps.

(A) Concrete must not be pumped through a delivery system with grooved ends, such as those for Victualic-type couplers.

(B) Pipe clamps must have a pressure rating at least equal to the pump pressure rating.

(C) Pipe clamps contact surfaces must be free of concrete and other foreign matter.

(D) If quick connect clamps are used, they must be pinned or secured to keep them from opening when used in a vertical application.

(xv) Delivery pipe.

(A) Delivery pipe between the concrete pump and the placing system must be supported and anchored to prevent movement and excessive loading on clamps.

(B) Double ended hoses must not be used as whip hoses.

(C) Attachments must not be placed on whip hoses (i.e., "S" hooks, valves, etc.).

Table 1, Nonmandatory

Recommended maximum yards per hour through hose

Hose Diameter	Hose Length (12' and less) Max. yards per hour	Hose Length (12' and longer) Max. yards per hour
2"	30	30
3"	90	50
4"	160	110
5"	See manufacturer specs	See manufacturer specs

• The above figures are based on a minimum of a 4" slump and a 5 sack mix.

• Variables in mix design can have an effect on these ratings.

• Aggregate should not exceed 1/3 the diameter of the delivery system.

(xvi) Restraining. A restraining device must:

• Be used on attachments suspended from the boom tips; and

• Have a load rating not less than one-fifth of its ultimate breaking strength.

(xvii) Equipment inspection.

(A) An inspection must be conducted annually for the first five years and semiannually thereafter and must include the following:

• Nondestructive testing of all sections of the boom by a method capable of ensuring the structural integrity of the boom;

• Be conducted by a qualified person or by a private agency.

(B) The inspection report must be documented and a copy maintained by the employer and in each unit inspected. It must contain the following:

• The identification, including the serial numbers and manufacturer's name, of the components and parts inspected and tested;

• A description of the test methods and results;

• The names and qualifications of the people performing the inspection;

• A listing of necessary repairs; and

• The signature of the manufacturer, an agent of the manufacturer, or a qualified person.

Note: See WAC 296-155-628 (8)(d) for the inspection worksheet criteria.

(xviii) Equipment repair.

(A) Replacement parts must meet or exceed the original manufacturer's specifications or be certified by a registered professional structural engineer.

(B) A properly certified welder must perform any welding on the boom, outrigger, or structural component.

(xix) Compressed air cleaning of the piping system. To clean the piping system:

(A) The pipe system must be securely anchored before it is cleaned out.

(B) The flexible discharge hose must be removed.

(C) Workers not essential to the cleaning process must leave the vicinity.

(D) The compressed air system must have a shutoff valve.

(E) Blow out caps must have a bleeder valve to relieve air pressure.

(F) A trap basket or containment device (i.e., concrete truck, concrete bucket) must be available and secured to receive the clean out device.

(G) Delivery pipes must be depressurized before clamps and fittings are released.

(c) Qualification and training requirements.

(i) Operator trainee—Qualification requirements. To be qualified to become a concrete pump operator, the trainee must meet the following requirements unless it can be shown that failure to meet the requirements will not affect the operation of the concrete pump boom.

(A) Vision requirements:

• At least 20/30 Snellen in one eye and 20/50 in the other.

Corrective lenses may be used to fulfill this requirement;

• Ability to distinguish colors, regardless of position, if color differentiation is required;

• Normal depth perception and field of vision.

(B) Hearing requirements: Hearing adequate to meet operational demands. Corrective devices may be used to fulfill this requirement.

(ii) Operator trainee—Training requirements. Operator trainee training requirements include, but are not limited to, the following:

(A) Demonstrated their ability to read and comprehend the pump manufacturer's operation and safety manual.

(B) Be of legal age to perform the duties required.

(C) Received documented classroom training and testing (as applicable) on these recommended subjects:

PROPOSED

- Driving, operating, cleaning and maintaining concrete pumps, placing booms, and related equipment;
- Jib/boom extensions;
- Boom length/angle;
- Manufacturer's variances;
- Radii;
- Range diagram, stability, tipping axis; and
- Structural/tipping determinations.

(D) Maintain and have available upon request a copy of all training materials and a record of training.

(E) Satisfactorily completed a written examination for the concrete pump boom for which they are becoming qualified. It will cover:

- Safety;
- Operational characteristics and limitations; and
- Controls.

(iii) Operator—Qualification requirements. Operators will be considered qualified when they have:

(A) Completed the operator trainee requirements listed in (c)(i) and (ii) of this subsection.

(B) Completed a program of training conducted by a qualified person, including practical experience under the direct supervision of a qualified person.

(C) Passed a practical operating examination of their ability to operate a specific model and type of equipment. Possess the knowledge and the ability to implement emergency procedures.

(D) Possess the knowledge regarding the restart procedure after emergency stop has been activated.

(E) Possess the proper class of driver's license to drive the concrete pump truck.

(F) Demonstrate the ability to comprehend and interpret all labels, safety decals, operator's manuals, and other information required to safely operate the concrete pump.

(G) Be familiar with the applicable safety requirements.

(H) Understand the responsibility for equipment maintenance.

(d) Concrete pump inspection worksheet criteria. Concrete pump trucks will be inspected using the following criteria: The manufacturer's required inspection criteria will be followed in all instances.

Note: DOT requirements for inspections - Ref. 49.C.F.R.396.11, Driver Vehicle Inspections and 396.13, Driver Pre-Trip Inspections; and WAC 296-155-610.

(i) Hydraulic systems.

- (A) Oil level;
- (B) Hoses;
- (C) Fittings;
- (D) Holding valves;
- (E) Pressure settings;
- (F) Hydraulic cylinders;
- (G) Ensure that the emergency stop system is functioning properly;

(H) All controls clearly marked.

(ii) Electrical.

(A) All systems functioning properly.

(B) All remote control functions are operating properly.

Ensure that the emergency stop system is functioning properly.

(C) All controls clearly marked.

(iii) Structural.

(A) Visual inspection for cracks, corrosion, and deformations of the concrete pump with placing boom structure, and all load carrying components such as outriggers, cross frames, torsion box beams, and delivery line support structures that may lead to nondestructive testing.

(B) Visual examination of all links, pivots, pins, and bolts.

(C) Vertical and horizontal movement at the turret, turntable, rotation gear lash, bearing tolerances, not to exceed manufacturer's specifications.

(iv) Piping systems.

(A) Wall thickness must not exceed original manufacturer's specifications.

(B) Mounting hardware for attaching delivery system.

(C) Correct clamps and safety pins.

(v) Safety decals.

All safety decals shall be in place as required by the manufacturer.

(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 WSR 01-11-038, filed 5/9/01, effective 9/1/01)

**WAC 296-301-020 General safety requirements.** (1) Means of stopping machines. Every textile machine shall be provided with individual mechanical or electrical means for stopping such machines. On machines driven by belts and shafting a locking-type shifter or an equivalent positive

device shall be used. On operations where injury to the operator might result if motors were to restart after power failures, provision shall be made to prevent machines from automatically restarting upon restoration of power.

(2) Handles. Stopping and starting handles shall be designed to the proper length to prevent the worker's hand or fingers from striking against any revolving part, gear guard, or any other part of the machine.

(3) Machine guarding. An employer must ensure that power transmission parts are guarded according to the requirements of (~~WAC 296-24-205 through 296-24-20527~~) chapter 296-806 WAC, Machine safety.

(4) Housekeeping. Aisles and working spaces shall be kept in good order in accordance with requirements of WAC 296-24-735 through 296-24-73505 and WAC 296-800-220.

(5) Inspection and maintenance. All guards and other safety devices, including starting and stopping devices, shall be properly maintained.

(6) Lighting and illumination. Lighting and illumination shall conform to the safety and health core rule book, WAC 296-800-210.

(7) Identification of piping systems. Identification of piping systems shall conform to American National Standard A13.1-1956.

(8) Identification of physical hazards. Identification of physical hazards shall be in accordance with the requirements of WAC 296-24-135 through 296-24-13503, of the general safety and health standards.

(9) Steam pipes. All pipes carrying steam or hot water for process or servicing machinery, when exposed to contact and located within seven feet of the floor or working platform shall be covered with a heat-insulating material, or guarded with equivalent protection.

AMENDATORY SECTION (Amending WSR 99-17-094, filed 8/17/99, effective 12/1/99)

**WAC 296-301-170 Clothing folding machine.** Cloth-folding machines shall meet the requirements of (~~WAC 296-24-195 through 296-24-19513~~) chapter 296-806 WAC, Machine safety.

AMENDATORY SECTION (Amending Order 74-18, filed 5/6/74)

**WAC 296-303-030 Moving parts.** (1) Machine guarding (other than point of operation). Moving parts of machines, such as gears, sprockets, belts, pulleys, and shafts, shall be guarded in accordance with the requirements of (~~WAC 296-24-20507 through 296-24-20513, of the general safety and health standards~~) chapter 296-806 WAC, Machine safety.

(2) Prime-mover guarding. Moving parts of prime movers such as fly-wheels, cranks and connecting rods, tail rods or extension piston rods, and governor balls, shall be guarded in accordance with the requirements of (~~WAC 296-24-20505, of the general safety and health standards~~) chapter 296-806 WAC, Machine safety.

AMENDATORY SECTION (Amending WSR 96-11-067, filed 5/10/96, effective 1/1/97)

**WAC 296-305-06519 Fire station equipment and tools.** (1) Equipment and tools in maintenance shops shall be guarded as required by the guarding provisions of chapter (~~296-24 WAC, Part C, Machine guarding~~) 296-806 WAC, Machine safety, and (~~Part H 1, Hand and portable powered tools~~) chapter 296-807, Portable power tools.

(2) Exposure of fan blades. When the periphery of the blades of a fan is less than ten feet above the floor or working level, the blades shall be guarded. The guard shall have openings no larger than one-half inch. This provision shall not apply to residential ceiling fans.

(3) Abrasive wheels and grinders.

(a) All abrasive wheels and grinders, shall be guarded as required by chapter (~~296-24 WAC, Part C~~) 296-806 WAC, Machine safety.

(b) Goggles or face shields shall be used when grinding.

(c) Abrasive and composite blades shall be stored and protected against exposure to fuel and oil.

(d) Work rests on bench mounted abrasive wheel grinders shall be used to support the work. These shall be of rigid construction and designed to be adjustable to compensate for wheel wear. Work rests shall be kept adjusted sufficiently close to the wheel with a maximum opening of one-eighth inch to prevent the work from being jammed between the wheel and the rest. Adjustment of the work rest shall not be made while the wheel is turning.

#### NEW SECTION

**WAC 296-806-100 Scope.** Machines and their moving parts create the possibility for workplace injuries whenever they are used. Providing safeguards is essential for eliminating or controlling the hazards. These safeguards can help protect workers from being injured.

This chapter is divided into three major sections. If you have machines or machine operations in your workplace, you need to follow the requirements found in:

- WAC 296-806-200, Requirements for all machines;
- WAC 296-806-300, Requirements for machine parts;

AND

- WAC 296-806-400, Specific machines and operations
- IF you have any of those listed in this section in your workplace.

Use the following Chapter-at-a-Glance Table to help you determine which sections of this chapter you need to follow.

#### **Chapter-at-a-Glance**

**WAC 296-806-200 series, Requirements for all machines, applies to:**

All machines in your workplace. It is organized into the following two categories:

- General requirements for all machines
- Safeguarding

**WAC 296-806-300 series, Requirements for all machine parts, applies to:**

Specific power transmission and other machine parts found in your workplace. It is organized in alphabetical order by machine part.

**WAC 296-806-400 series, Requirements for specific machines or operations, applies to:**

Specific machines or operations found in your workplace. It is organized in alphabetical order by machine or operation.

**WAC 296-806-405**

**Abrasive wheels and machines**

This section applies to machines that are not hand held and that use an abrasive wheel.

- Exemption:** This section does not apply to machines using:
- Natural sandstone wheels.
  - Pulpstone wheels.
  - Coated abrasive products.
  - Loose abrasives.

**WAC 296-806-410**

**Calenders**

This section applies only to hazards associated with calenders in the rubber and plastics industry, where two or more metal rolls set vertically and revolving in opposite directions.

**WAC 296-806-415**

**Compactors**

This section applies to all stationary compactors in your workplace.

**WAC 296-806-420**

**Conveyors**

This section applies to all hazards related to conveyors and conveying systems, including bulk material, package, or unit handling types. These requirements are designed to protect employees operating, maintaining, cleaning, and working around conveyors.

- Exemption:** This section does not apply to conveyor systems used primarily for moving employees.

**WAC 296-806-425**

**Food processing equipment**

This section applies to:

- All businesses that manufacture or process food, whether or not they are contained inside food stores;

**AND**

- The design, installation, operation, and maintenance of machinery and equipment used in the food processing industry.

**WAC 296-806-430**

**Forging machines**

The requirements in this section apply to machines used in the forming of hot metal, such as hot trimming presses, forging hammers, hot forging presses, upsetters, hot bending and hot metal presses, and equipment used in boltheaded and rivet making, as well as other forging equipment. For specific forging machine requirements, see Table 430-1.

- Exemption:** This section does not apply to cold forging operations.

**WAC 296-806-435**

**Garbage (waste) disposals**

This section applies to the hazards associated with garbage (waste) disposals found in the workplace. These requirements are designed to protect employees from hazards associated with the point of operation and flying materials.

**WAC 296-806-440**

**Glue spreaders**

This section applies to safeguarding and emergency controls used to protect employees from the hazards associated with cleaning and operating glue spreaders.

**WAC 296-806-445**

**Ironworkers**

This section applies to the hazards associated with hydraulic and mechanical ironworkers.

**WAC 296-806-450**

**Lathes**

This section applies to the hazards associated with metal and woodworking lathes.

**WAC 296-806-455**

**Mechanical power presses**

This section applies to mechanically powered machines that transmit force to cut, form, or assemble metal or other materials through tools or dies attached to or operated by slides.

- Exemption:** This section does not apply to:
- Power press brakes.
  - Hydraulic power presses.
  - Pneumatic power presses.
  - Slow-acting horizontal mechanical presses with large beds (bulldozers).
  - Hot bending and hot metal presses.
  - Forging presses and hammers.
  - Riveting machines.
  - Cold headers and cold formers.
  - Eyelet machines.
  - High energy rate presses.
  - Ironworkers and detail punches.
  - Metal shears.
  - Powdered metal presses.
  - Press welders.
  - Turret and plate punching machines.
  - Wire termination machines.
  - Welding presses.

**WAC 296-806-460**

**Mills**

This section applies only to mills in the rubber and plastics industry that have in-running metal rolls that are set horizontally and run toward each other.

**WAC 296-806-465**

**Press brakes**

This section applies to all machines classified as power press brakes. Power press brakes use a ram and bed to bend material.

**WAC 296-806-470**

**Roll forming and bending machines**

This section applies to power driven roll forming and bending machines that change the shape or the direction of materials by using rolls, rotary forming dies, and associated tooling.

**WAC 296-806-475**

**Sanding machines**

This section applies to sanding machines that remove material from stock with an abrasive sanding surface such as a belt, disk, or drum.

**WAC 296-806-480****Saws and cutting heads**

This section applies to fixed machines using saws or cutting heads that are used on any material.

**WAC 296-806-485****Sewing machines**

This section applies to the hazards of needle injuries from domestic or light duty sewing machines.

**WAC 296-806-500, Definitions.****REQUIREMENTS FOR ALL MACHINES****NEW SECTION**

**WAC 296-806-200 Summary.** This section applies to all machines in your workplace. It is organized into the following two categories:

- General requirements for all machines.
- Safeguarding.

Within these two broad categories, the requirements begin with general applications, and continue with applications that apply to specific equipment or situations.

- Reference:**
- In addition to the requirements in this section, you need to refer to the following sections of this chapter in order to fully protect your employees from machine hazards:
    - WAC 296-806-300, Requirements for machine parts.
    - WAC 296-806-400, Requirements for specific machines or operations.
  - See chapter 296-807 WAC, Portable power tools, for requirements that apply to handheld tools.

**Your responsibility:**

To protect employees from machine hazards in your workplace.

**You must:****GENERAL REQUIREMENTS FOR ALL MACHINES****WORKPLACE**

Secure machines designed to stay in one place

WAC 296-806-20002.

Protect employees from slipping hazards around machinery

WAC 296-806-20004.

Arrange work areas to avoid creating hazards

WAC 296-806-20006.

**MACHINE CONTROLS AND OPERATION**

Make sure operating controls meet these requirements

WAC 296-806-20008.

Protect employees from unintentional machine operation

WAC 296-806-20010.

Make sure emergency stop controls meet these requirements

WAC 296-806-20012.

Control machine vibration

WAC 296-806-20014.

Prevent overspeed conditions

WAC 296-806-20016.

Make sure hand feeding and retrieval tools meet these requirements

WAC 296-806-20018.

Protect employees who are adjusting or repairing machinery

WAC 296-806-20020.

**POWER TRANSMISSION PARTS**

Keep power transmission parts in good working condition

WAC 296-806-20022.

Inspect power transmission parts

WAC 296-806-20024.

Protect employees lubricating moving machinery

WAC 296-806-20026.

**SAFEGUARDING****SAFEGUARD MACHINERY**

Safeguard employees from the point of operation

WAC 296-806-20028.

Safeguard employees from nip or shear point hazards

WAC 296-806-20030.

Safeguard employees from rotating or revolving parts

WAC 296-806-20032.

Safeguard employees from reciprocating or other moving parts

WAC 296-806-20034.

Safeguard employees from flying objects

WAC 296-806-20036.

Safeguard employees from falling objects

WAC 296-806-20038.

Safeguard employees from hazards created by moving surfaces with hazards such as sharp edges, burrs, and protruding nails and bolts

WAC 296-806-20040.

**SAFEGUARDING METHODS****Guards**

Make sure guards meet these requirements

WAC 296-806-20042.

**Devices**

Make sure devices meet these requirements

WAC 296-806-20044.

Make sure light curtains meet these requirements

WAC 296-806-20046.

Make sure pressure-sensitive mats meet these requirements

WAC 296-806-20048.

Make sure restraint or pullback devices meet these requirements

WAC 296-806-20050.

Make sure two-hand devices meet these requirements

WAC 296-806-20052.

Make sure devices used with barrier guards meet these requirements

WAC 296-806-20054.

**Distance**

Make sure safeguarding by distance meets these requirements

WAC 296-806-20056.

Make sure guardrails used for safeguarding meet these requirements

WAC 296-806-20058.

**WORKPLACE****NEW SECTION**

**WAC 296-806-20002 Secure machines designed to stay in one place.**

**You must:**

- Make sure machines designed to stay in one place are secured so they will not move or change position during use.

**Exemption:** Machines that have either rubber feet or foot pads made of nonskid (high coefficient of friction) or similar vibration dampening materials do not have to be secured as long as the machine will not tip, fall over, or walk (move).

**NEW SECTION**

**WAC 296-806-20004 Protect employees from slipping hazards around machinery.**

**You must:**

- Make sure employees working around dangerous machines are protected from slipping on smooth, oily, or otherwise slippery floors by providing one of the following types of floor covering:
  - Nonslip matting.
  - Grating.
  - Nonslip composition flooring.
  - Some other effective floor treatment.

**Reference:** For additional requirements about housekeeping, personal protective equipment (PPE), and work practices, see the Safety and health core rules, chapter 296-800 WAC.

**NEW SECTION**

**WAC 296-806-20006 Arrange work areas to avoid creating hazards.**

**You must:**

- Make sure work areas around machinery are designed with enough space so each operator:
  - Can clean and handle material without interference from other workers or machines.
  - Does **not** have to stand in the way of passing traffic.
- Provide enough space so employees can bring in and remove materials safely.

**Reference:** See WAC 296-24-73505, Aisles and passageways, for specific requirements.

**MACHINE CONTROLS AND OPERATIONS****NEW SECTION**

**WAC 296-806-20008 Make sure operating controls meet these requirements.**

**Exemption:** This rule does not apply to constant pressure controls used only for setup.

**You must:**

- (1) Make sure each machine has a control that both:
  - Stops the machine;
- AND**
- Can be reached by the operator without leaving the operator's position.

- (2) Make sure the operator can easily reach all machine controls without reaching into a hazard area of the machine.

**NEW SECTION**

**WAC 296-806-20010 Protect employees from unintentional machine operation.**

**You must:**

- (1) Make sure foot-operated controls are located or guarded so that unintentional movement to the "ON" position is unlikely.

- (2) Make sure machines will **not** automatically restart when power is restored after a power failure, if restarting would create a hazard for employees.

**NEW SECTION**

**WAC 296-806-20012 Make sure emergency stop controls meet these requirements.**

**You must:**

- Make sure emergency stop controls, if required, meet **all** the following:
  - Are red in color.
  - Are easily reached from the operator's normal work position and other hazardous work areas.
  - Are kept in a good working condition.
  - Have to be manually reset before a machine can be restarted.

**NEW SECTION**

**WAC 296-806-20014 Control machine vibration.**

**You must:**

- Prevent excessive machine vibration that could create a hazard to employees.

**NEW SECTION**

**WAC 296-806-20016 Prevent overspeed conditions.**

**You must:**

- Operate tools and equipment within their rated speed.

**Note:** Actions that could cause an overspeed condition include:

- Installing a more powerful motor.
- Changing or increasing the power source.
- Changing attachment size or type, such as a blade or wheel.
  - The attachment speed (rpm) and motor speed (rpm) should match.

**NEW SECTION**

**WAC 296-806-20018 Make sure hand feeding and retrieval tools meet these requirements.**

**You must:**

- Make sure hand feeding and retrieval tools:
  - Are suitable for the work to be done.
  - Do not create a hazard when used.
  - Are of a size and shape that will keep the operator's hands outside the hazardous area.
  - Are constructed so they will not shatter if they come in contact with the machine tool or tooling.

**Note:** Hand feeding and retrieval tools, such as push sticks or push blocks, can **not** be used instead of required safeguarding, unless a specific machine requirement allows it.

### NEW SECTION

#### **WAC 296-806-20020 Protect employees who are adjusting or repairing machinery.**

**Exemption:** This rule does not apply if the machine has to be in motion to properly adjust it.

**You must:**

• Make sure power-driven machinery is completely stopped before **either:**

– Making adjustments or repairs;

**OR**

– Removing material or refuse from the machine.

**Reference:** Requirements for maintaining and servicing machinery where the unexpected start-up, energization, or release of stored energy could injure an employee are in chapter 296-803 WAC, Lockout/tagout (control of hazardous energy).

### **POWER TRANSMISSION PARTS**

### NEW SECTION

#### **WAC 296-806-20022 Keep power transmission equipment in good working condition.**

**Definition:**

A power transmission part is a mechanical component of a system that provides motion to a part of a machine or piece of equipment.

**You must:**

- Make sure power transmission parts are kept in good working condition at **all** times.
- Keep bearings free from lost motion and well lubricated.

### NEW SECTION

#### **WAC 296-806-20024 Inspect power transmission parts.**

**You must:**

- Inspect power transmission parts at least once every sixty days to make sure that all:
  - Safeguarding meets the requirements of this chapter.
  - Parts are in proper alignment.
  - Bolts and screws that hold power transmission parts together or support the system are tight.

### NEW SECTION

#### **WAC 296-806-20026 Protect employees lubricating moving machinery.**

**You must:**

- (1) Protect employees who lubricate moving machinery by:
  - Providing tools, such as oil cans or grease guns, that have spouts or necks that are long enough to keep the employees' hands out of hazardous areas.
  - Requiring employees to wear closely fitted clothing.

(2) Make sure drip cups and pans are securely fastened to the machinery.

### **SAFEGUARDING Safeguard Machinery**

### NEW SECTION

#### **WAC 296-806-20028 Safeguard employees from the point of operation.**

**IMPORTANT:**

If a specific safeguarding method in this chapter is required for machinery or machine parts found in your workplace, follow the specific requirement.

In the absence of a specific safeguarding method required by this or some other chapter, you need to follow the general safeguarding requirements found in WAC 296-806-20042 through 296-806-20058, Safeguarding methods. Examples of safeguarding methods include:

- Guards.
- Devices.
- Safeguarding by distance.
- Safeguarding by location.

**You must:**

• Protect employees from hazards created by the point of operation by using one or more safeguarding methods.

### NEW SECTION

#### **WAC 296-806-20030 Safeguard employees from nip or shear point hazards.**

**You must:**

• Protect employees from hazards created by nip or shear points by using one or more safeguarding methods.

### NEW SECTION

#### **WAC 296-806-20032 Safeguard employees from rotating or revolving parts.**

**You must:**

• Protect employees from hazards created by rotating or revolving parts by using one or more safeguarding methods.

### NEW SECTION

#### **WAC 296-806-20034 Safeguard employees from reciprocating or other moving parts.**

**You must:**

• Protect employees from hazards created by reciprocating or other moving parts by using one or more safeguarding methods.

### NEW SECTION

#### **WAC 296-806-20036 Safeguard employees from flying objects.**

**You must:**

• Protect employees from hazards created by flying objects, including chips, sparks, and fluids by using one or more safeguarding methods.

PROPOSED

PROPOSED

**NEW SECTION**

**WAC 296-806-20038 Safeguard employees from falling objects.**

**You must:**

- Protect employees from hazards created by falling objects by using one or more safeguarding methods.

**NEW SECTION**

**WAC 296-806-20040 Safeguard employees from moving surfaces with hazards.**

**You must:**

- Safeguard employees from hazards created by moving surfaces with hazards such as sharp edges, burrs, and protruding nails and bolts.

**SAFEGUARDING METHODS**  
**Guards**

**NEW SECTION**

**WAC 296-806-20042 Make sure guards meet these requirements.**

**You must:**

- Make sure guards do **not** create additional hazards such as sharp edges or pinch points between the guard and moving machine parts.
- Make sure guards are:
  - Made of durable materials.
  - Strong enough to withstand the forces to which they are exposed.
  - Securely fastened to the machine, if possible, or to the building structure if they cannot be attached to the machine.
- Make sure guards protect employees by doing **both** of the following:
  - Preventing hands or other body parts from reaching through, over, under, or around the guard into the hazard area;

AND

- Preventing objects or debris from falling onto or being thrown towards an employee.

**Note:** Select the type of guard to protect employees by determining the type of hazard.

**You must:**

- Make sure barrier guards:
  - Are properly installed, adjusted, and maintained.
  - Have no opening at any point larger than shown in Table 200-1, Largest Allowable Guard Opening.

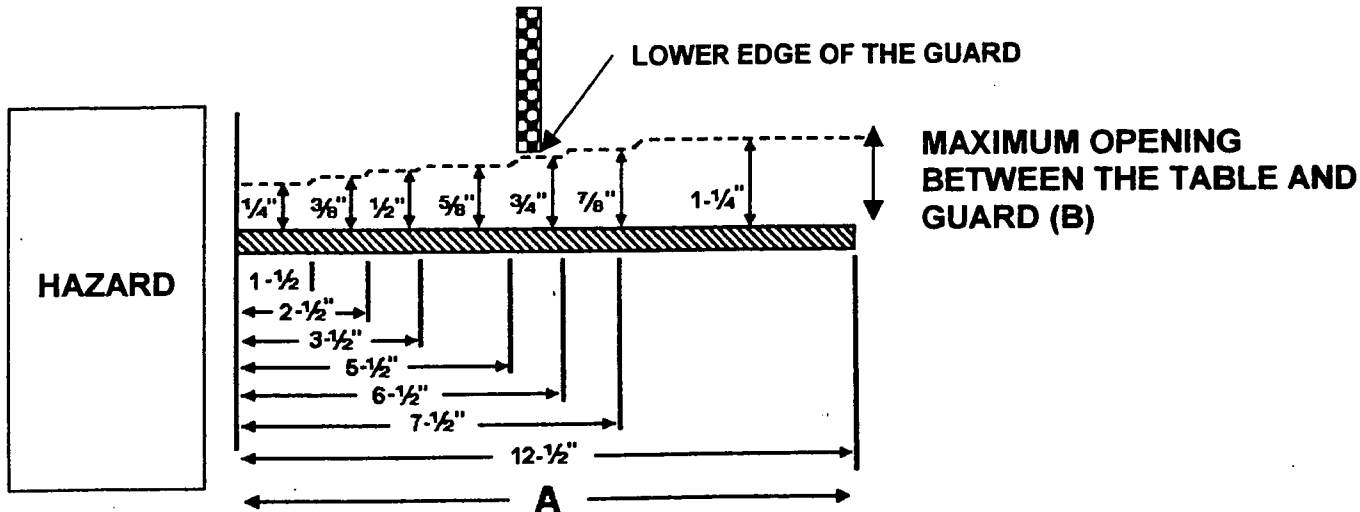
**Reference:** Metal cutting shears are allowed to be guarded with properly applied awareness barrier safeguarding as described in ANSI B11.4-1993, Sections 6.3.3.

**Table 200-1**  
**Largest Allowable Guard Opening (inches)**

If the distance (A) from hazard to the guard is:	Then the opening (B) in the guard or between the table and the guard can NOT be greater than:
1/2 to 1 1/2	1/4
1 1/2 to 2 1/2	3/8
2 1/2 to 3 1/2	1/2
3 1/2 to 5 1/2	5/8
5 1/2 to 6 1/2	3/4
6 1/2 to 7 1/2	7/8
7 1/2 to 12 1/2	1 1/4
12 1/2 to 15 1/2	1 1/2
15 1/2 to 17 1/2	1 7/8
17 1/2 to 31 1/2	2 1/8
Over 31 1/2	6

This diagram illustrates the information found in Table 200-1. The size of the opening in the guard, or between the bottom edge of the guard and the feed table is small enough to prevent any part of the operator's body from reaching the hazardous area.

**Illustration #1 - Distance from hazard to Guard (A)**





## DEVICES

NEW SECTION

**WAC 296-806-20044 Make sure devices meet these requirements.**

**You must:**

- Make sure devices used to safeguard employees do either of the following:
  - Stop the motion of a moving part before an employee comes in contact with it and has to be manually reset before machines can be restarted;

**OR**

- Be designed and constructed to prevent the operator from having any part of their body in the danger zone during the operating cycle.

**Reference:** For more information on installation of safety devices, see ANSI B11.19-2003, Performance criteria for safeguarding.

NEW SECTION

**WAC 296-806-20046 Make sure light curtains meet these requirements.**

**You must:**

- Make sure light curtains, when used:
  - Respond to the presence of an operator's hand, other body part, or a work piece.
  - Have indicators that are easily seen by the operator showing when the device is functioning or has been bypassed.

**Note:** Even if a shiny reflective object or work piece is used with a light curtain or other electro-optical device, it should still respond to the operator's hand or other body part.

**You must:**

- Make sure only authorized persons can make the following adjustments to light curtains:
  - Variations in operating conditions.
  - Fixed or channel blanking.
  - Floating blanking (sometimes referred to as floating channel or floating window features).
- Safeguard access to the point of operation that is **not** protected by light curtains.

NEW SECTION

**WAC 296-806-20048 Make sure pressure-sensitive mats meet these requirements.**

**You must:**

- Make sure pressure-sensitive mats:
  - Detect the presence or absence of the operator or others.
  - Send the stop command and prevent successive machine cycles if any single component fails.
  - Are connected with the machine control system so the device's stop signal immediately stops action of the machine tool and requires use of the start control before the machine can begin another cycle.
  - Are located so that the operator can **not** reach the recognized hazard before hazardous motion has stopped.

- Have an indicator easily seen by the operator that shows the mat is operating.

NEW SECTION

**WAC 296-806-20050 Make sure restraint or pull-back devices meet these requirements.**

**You must:**

- Make sure restraint or pullback devices:
  - Prevent the operator from reaching into the point of operation or withdraw the operator's hands from the point of operation before motion of the machine creates a hazard.
  - Have fasteners, pins, and other items used to secure and maintain the setting of the device applied in a way that minimizes loosening, slipping, or failure during use.
  - Are worn inside gloves, if used, so if a glove becomes trapped inside a machine or tool, the device can still remove the operator's hand from the hazard area.

NEW SECTION

**WAC 296-806-20052 Make sure two-hand devices meet these requirements.**

**You must:**

- Make sure two-hand devices:
  - Protect each hand device against accidental operation.
  - Require simultaneous operation of both hand devices to begin the cycle, including the first cycle (automatic mode).
  - Are provided with an antirepeat feature when used in single cycle mode.
  - Have a set of devices for each operator if more than one needs to be safeguarded.
  - Are located far enough from the nearest hazard so the operator can **not** reach the hazard before hazardous motion stops.

**Reference:** For more information on proper installation of safety devices, see ANSI B11.19-2003 Performance criteria for safeguarding.

NEW SECTION

**WAC 296-806-20054 Make sure devices used with barrier guards meet these requirements.**

**You must:**

- Make sure movable barrier devices:
  - Return to the open position if they encounter an obstruction while enclosing the hazardous area.
  - Are designed so the operator or others cannot reach the hazard by reaching over, under, around or through the device when it is in the closed position.
- Make sure interlocks used with barrier guards do **all** of the following:
  - Stop hazardous motion of machines when interlocks are open.
  - Are **not** easily bypassed.
  - Are designed and installed so that closing the interlocks will not cause a hazard to employees.

PROPOSED

**NEW SECTION**

**WAC 296-806-20056 Make sure safeguarding by distance meets these requirements.**

**You must:**

• Make sure means used to safeguard by distance do both of the following:

– Prevent parts or material from falling on employees below;

**AND**

– Separate employees on fixed ladders, stairs, floors, or other walking or working surfaces from the hazard by:

■ More than seven feet vertically;

**OR**

■ A horizontal distance that prevents employees from contacting or being injured by the hazard according to the distances in Table 200-2.

**TABLE 200-2**

**SAFE DISTANCES FROM FIXED BARRIERS TO HAZARDS**

A is the height of the hazard from the floor or working surface.

B is the required horizontal distance from the hazard to the barricade.

C is the required height of the barricade.

Table 2 helps you identify either the required horizontal distance from the hazard to the barricade (B), or the required height of the barricade (C), as long as you know A and either variable, B or C.

**Examples:**

If the height of the hazard (A) is seventy-eight inches, and the horizontal distance from the hazard to the barricade (B) is fourteen inches, the required height of the barricade (C) is seventy-eight inches.

If the height of the hazard (A) is eighty-six inches, and the height of the barricade (C) is fifty-five inches, then the required horizontal distance from the hazard to the barricade (B) is twenty-eight inches.

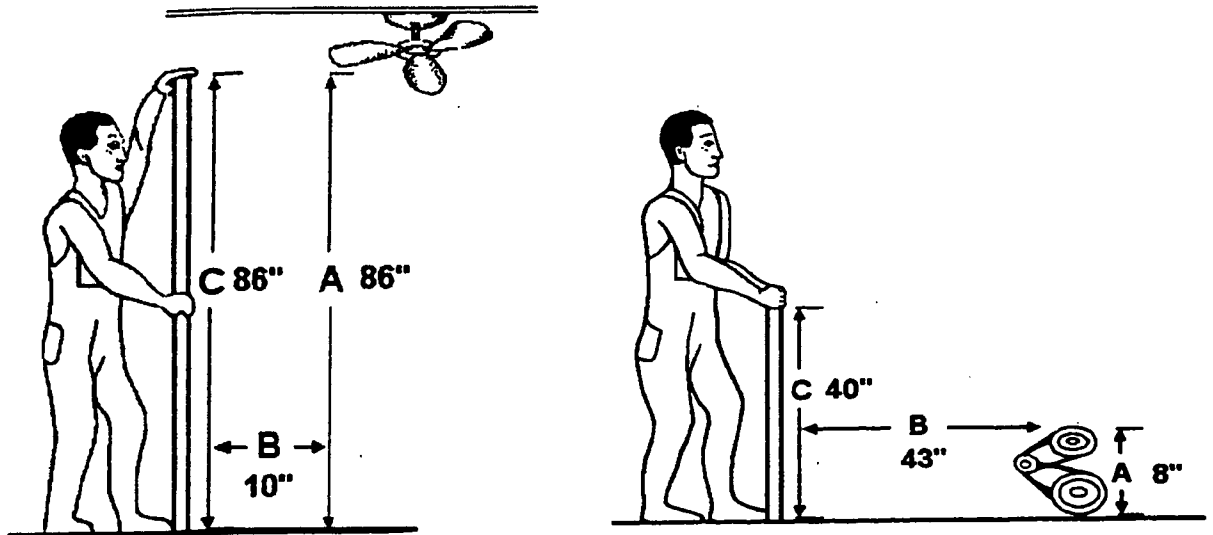
**Table 200-2**

**SAFE DESIGNS FOR FIXED BARRICADES**

(A) Height of hazard in inches	(B) Distance from the hazard to the barricade in inches							
96	0	4	4	4	4	4	4	4
86	....	10	14	16	20	20	24	24
78	....	....	14	20	24	28	36	43
71	....	....	....	24	36	36	40	43
63	....	....	....	20	36	36	40	51
55	....	....	....	4	32	36	40	51
48	....	....	....	....	20	36	40	55
40	....	....	....	....	12	36	40	55
32	....	....	....	....	....	24	36	51
24	....	....	....	....	....	....	20	48
16	....	....	....	....	....	....	12	48
8	....	....	....	....	....	....	8	43
Height of the barricade in inches (C)	96	86	78	71	63	55	48	40

**Note:** The height and distance requirements of Table 200-2 are designed to safeguard workers from a fixed hazard. If a hazard involves flying chips, fluids, parts or materials, the barrier height, distance, and construction may need to be adjusted to provide adequate protection.

**Illustration #2 - How to measure variables for Table 2**



PROPOSED

**NEW SECTION****WAC 296-806-20058 Make sure guardrails used for safeguarding meet these requirements.**

- Note:** Guardrails may be used to safeguard:
- Flywheels.
  - Cranks and connecting rods.
  - Tail rods and extension piston rods.
  - Horizontal belts in a power generating room.
  - Clutches, cutoff couplings, or clutch pulleys in an engine room occupied only by an attendant.
  - Power transmission parts on a runway used only for oiling, maintenance, running adjustment, or repair work.

**You must:**

- Make sure top rails are:
  - Smooth-surfaced.
  - Strong enough to withstand a force of at least two hundred pounds.
    - Between thirty-nine and forty-five inches above the floor, platform, runway, or ramp.
      - Make sure guardrails have an intermediate rail (mid-rail) installed approximately halfway between the top rail and the floor, platform, runway, or ramp.
      - Make sure rails do not extend beyond the end posts of the guardrail and create a projection hazard.
      - Make sure toe boards, if required by this chapter to safeguard a machinery hazard, are:
        - At least four inches high.
        - Securely fastened in place with no more than one-fourth inch between the bottom of the toe board and the floor, platform, runway, or ramp.
        - Made of substantial material that is either solid or that has openings in the material no larger than one inch.

**SPECIFIC MACHINES OR OPERATIONS****NEW SECTION**

**WAC 296-806-300 Summary.** This section applies to specific power transmission and other machine parts found in your workplace. It is organized in alphabetical order by machine part.

- Reference:**
- In addition to the requirements in this section, you need to refer to the following sections of this chapter in order to fully protect your employees from machine hazards:
    - WAC 296-806-200, Requirements for all machines.
    - WAC 296-806-400, Requirements for specific machines or operations.
  - See chapter 296-807 WAC, Portable power tools, for requirements that apply to handheld tools.

**Your responsibility:**

To protect employees from the hazards of specific power transmission and other machine parts found in your workplace.

**You must:****ARBORS AND MANDRELS**

Fit arbors and mandrels to the machine  
WAC 296-806-30002.

**BELT DRIVES**

Safeguard belt and rope drives  
WAC 296-806-30004.

Make sure belt or rope drives meet these requirements

WAC 296-806-30006.

Protect employees while shifting belts on belt and pulley drives

WAC 296-806-30008.

Make sure belt tighteners meet these requirements

WAC 296-806-30010.

**CAMS AND PISTON RODS**

Safeguard cams, connecting rods, tail rods, and extension piston rods

WAC 296-806-30012.

**CHAIN DRIVES**

Safeguard chain and sprocket drives

WAC 296-806-30014.

**FAN BLADES**

Safeguard fan blades

WAC 296-806-30016.

**FLYWHEELS**

Safeguard flywheels

WAC 296-806-30018.

**GEARS**

Safeguard gears

WAC 296-806-30020.

**PROJECTIONS ON MOVING PARTS**

Safeguard projections on moving parts

WAC 296-806-30022.

**PULLEYS**

Safeguard pulleys

WAC 296-806-30024.

Make sure pulleys meet these requirements

WAC 296-806-30026.

**REVOLVING BARRELS, CONTAINERS, AND DRUMS**

Safeguard revolving drums, barrels, and containers

WAC 296-806-30028.

**SHAFTING, KEYWAYS, AND REVOLVING COLLARS**

Safeguard shafting

WAC 296-806-30030.

Make sure shafting meets these requirements

WAC 296-806-30032.

Safeguard unused keyways

WAC 296-806-30034.

Make sure revolving collars meet these requirements

WAC 296-806-30036.

Safeguard counterweights

WAC 296-806-30038.

**ARBORS AND MANDRELS****NEW SECTION**

**WAC 296-806-30002 Fit arbors and mandrels to the machine.**

**You must:**

- Make sure that arbors and mandrels:
  - Have firm and secure bearing.
  - Are free from play.
- Only place or mount attachments on a machine arbor that have been accurately machined to the correct size and shape.

**BELT DRIVES****NEW SECTION****WAC 296-806-30004 Safeguard belt and rope drives.**

- Exemption:**
- You do not need to safeguard the following types of belts when they are operating at two hundred and fifty linear feet per minute or less:
    - Flat belts that are:
      - One inch wide or less.
      - Two inches wide or less and have no metal lacings or fasteners.
    - Round belts one-half inch or less in diameter.
    - Single-strand v-belts 13/32 inch wide or less.
  - You do not need to safeguard belts that are in a room, vault, or similar space that contains only power transmission parts or equipment if the space:
    - Is controlled by lock and key or has similarly restricted access that allows only authorized persons to enter.
    - Is well lit.
    - Has a dry, level, and firm floor.
    - Has a well-marked route with a vertical clearance of at least five feet six inches for authorized employees to follow to perform their duties.
  - You do not need to safeguard belt drives of light or medium duty sewing machines if all of the following apply:
    - It uses either a flat or a round belt without metal lacings and fasteners.
    - The belt is located above the table top.
    - The table top is designed so that employees near the machine are not exposed to motion hazards while they work or as they pass by.
    - The machine is not used to sew heavy materials such as leather, canvas, denim, or vinyl.
    - The operators' hands are not in, near, or on the wheel, nip point, belt area, or other motion hazard when the machine is operating.
- Reference:** You may need to follow additional requirements for sewing machines. See WAC 296-806-425, Sewing machines, later in this chapter for more information.

**You must:**

- Safeguard belt or rope drives that are seven feet or less above the floor or working surface.

**Note:** You may use a nip point and pulley guard on a vertical or inclined belt if it meets all of the following requirements:

- Two and one-half inches wide or less.
- Running at a speed of less than one thousand feet per minute.
- Free from metal lacings or fastenings.

**You must:**

- Safeguard overhead belts located more than seven feet above the floor or working surface if **any of the following** apply:

- The belt is located over a passageway or work space and travels at a speed of eighteen hundred feet per minute or more.

- The distance between the centers of its pulleys is ten feet or more.

- The belt is wider than eight inches.

- Safeguard the space between the upper and lower runs of a horizontal belt if there is enough room for an employee to pass between them by providing both:

- A guard along the upper run to keep the belt from contacting the worker or anything they may be carrying;

**AND**

- A platform over the lower run that has a railing that is completely filled in with wire mesh or other filler or by a solid barrier.

**Note:** The passage between the two belts is considered safeguarded if you completely block it with a guardrail or other barrier.

**Exemption:** In a power generating room, only the lower run of a horizontal belt has to be safeguarded.

**NEW SECTION****WAC 296-806-30006 Make sure belt or rope drives meet these requirements.****You must:**

(1) Use an idler when your machine uses a quarter-twist belt that can run in either direction.

(2) Make sure, when it is necessary to apply dressing to moving belts or ropes, that you apply the dressing at a point where the belts or ropes leave the pulley.

(3) Make sure that a belt shifted by hand is **not** fastened with metal or other material that creates a hazard.

(4) Make sure a bearing support that is next to a friction clutch or cutoff coupling has self-lubricating bearings that do not need frequent attention.

(5) Use a substantial belt perch, such as a bracket or roller, when it is not practical to use a loose pulley or idler to keep idle belts away from shafts.

**NEW SECTION****WAC 296-806-30008 Protect employees while shifting belts on belt and pulley drives.**

**Exemption:** A belt shifter is not required on a belt and pulley system if:

- It was installed on or before August 17, 1971;
- OR**
- The belt and pulley drive meets all of these requirements:
  - The belt is endless or laced with rawhide.
  - A nip point guard in front of the cone safeguards the nip point of the belt and pulley.
  - The nip point guard extends at least to the top of the largest step of the cone and is formed to show the contour of the cone.

**Definition:** A nip point belt and pulley guard is a guard that encloses the pulley and has rounded or rolled edge slots for the belt to pass through.

**You must:**

(1) Provide a permanent mechanical belt shifter on belt drives that use either:

- Tight and loose (drive and idler) pulleys;

**OR**

- A cone pulley.

(2) Protect employees from the nip point of the belt and pulley by either:

- The belt shifter or clutch handle;

**OR**

• A vertical guard in front of the pulley that extends at least to the top of the largest step of the cone.

(3) Make sure a belt shifter or clutch handle is:

- Rounded to keep the operator from being injured.
- Easy to reach.

- Positioned to reduce the chance of being accidentally moved.

- Located either:

- Over the machine;

**OR**

- Not higher than six feet six inches above the floor.

(4) Make sure each belt shifter or clutch handle of the same type in your workplace moves in the same direction to stop a machine, that is, either all right or all left.

**Exemption:** A friction clutch handle on a countershaft carrying two clutch pulleys with open and crossed belts is not required to move in the same direction as all other clutch handles or belt shifters if:

- The clutch handle has three positions;

**AND**

- The machine is at rest when the clutch handle is in the center position.

**You must:**

(5) Use a belt shifter to shift a belt on and off a fixed pulley.

- When a belt shifter cannot be used, you may use a belt pole if it is both:

- Smooth;

**AND**

- Large enough to grasp securely.

**Note:** A belt pole is also known as a "belt shipper" or "shipper pole."

**You must:**

(6) Provide a locking-type belt shifter or other positive securing device on woodworking machines driven by belts and shafting.

### NEW SECTION

**WAC 296-806-30010 Make sure belt tighteners meet these requirements.**

**You must:**

- Make sure belt tighteners:

- Are substantially constructed and securely fastened.

- Have bearings that are securely capped.

- Have a mechanism to prevent them from falling.

- Make sure belt tighteners used to activate machinery are securely held in the "OFF" position by either:

- Gravity;

**OR**

- An automatic mechanism that must be released by hand.

### **CAMS AND PISTON RODS**

### NEW SECTION

**WAC 296-806-30012 Safeguard cams, connecting rods, tail rods, and extension piston rods.**

**You must:**

- Safeguard cams, connecting rods, tail rods, or extension piston rods that could be contacted by employees.

- Make sure guardrails used to safeguard the side or ends of rods are at least fifteen inches away from the rod when it is fully extended.

### **CHAIN DRIVES**

#### NEW SECTION

**WAC 296-806-30014 Safeguard chain and sprocket drives.**

**Exemption:** This section does not apply to hand-operated sprockets.

**You must:**

- Enclose chains and sprocket wheels that are seven feet or less above the floor or working surface.

- Make sure chain and sprocket drive enclosures that extend over machine or other working areas protect workers from falling drive parts.

### **FAN BLADES**

#### NEW SECTION

**WAC 296-806-30016 Safeguard fan blades.**

**Exemption:** A fan is considered guarded if it meets all of the following requirements:

- It is in a basement, tower, or room locked against unauthorized entrance.

- The vertical clearance in passageways between the floor and power transmission beams, ceiling, or any other objects, is not less than five feet six inches.

- The intensity of illumination must be a minimum of ten foot candles when the area is occupied.

- The footing is dry, firm, and level.

- The route followed by the oiler or authorized personnel is protected in such a manner as to prevent accident.

- The periphery of the fan blade is covered by a shroud.

**You must:**

- Prevent rods, pipes, or other material being handled by workers, from contacting moving fan blades.

**Reference:** See WAC 296-806-20042, Make sure guards meet these requirements, Table 200-1, Largest Allowable Guard Opening, for guard opening requirements.

### **FLYWHEELS**

#### NEW SECTION

**WAC 296-806-30018 Safeguard flywheels.**

**You must:**

- Safeguard flywheels that have any part of the wheel seven feet or less above the floor or working surface with either:

- An enclosure;

**OR**

- A guardrail, at least fifteen inches but no more than twenty inches from the rim.

- Make sure enclosures that safeguard flywheels located above a working area are strong enough to hold the weight of the wheel, if a shaft or wheel mounting fails.

- Provide a toeboard on guardrails used to safeguard flywheels that have any part of the wheel within twelve inches of the floor or working surface.

• Do both of the following to safeguard spoked flywheels that are five feet or less in diameter with smooth rims, when enclosures or guardrails cannot be used:

– Cover the spokes on the exposed side of the wheel with a disk guard that creates a smooth surface and edge;

AND

– Remove or cover keys or other dangerous projections on the wheel that are not covered by the disk guard.

- Exemption:**
- You may leave an open space of four inches or less between the outside edge of the disk guard and the rim of the spoked flywheel to make it easier to turn the wheel over.
  - You may use an adjustable guard for the flywheel of a gasoline or diesel engine for starting the engine or for making running adjustments. A slot opening for a jack bar is permitted.

## GEARS

### NEW SECTION

**WAC 296-806-30020 Safeguard gears.**

**You must:**

• Safeguard gears that are seven feet or less above the floor or working surface.

**Exemption:** You do not need to guard hand-operated gears that are used only to adjust machine parts that stop when the gears are not being turned by hand.

## PROJECTIONS ON MOVING PARTS

### NEW SECTION

**WAC 296-806-30022 Safeguard projections on moving parts.**

**You must:**

• Safeguard projections on moving parts such as keys, setscrews, bolts, and nuts, by:

- Removing them.
- Making them flush.
- Guarding with metal covers.

**Exemption:** This requirement does not apply to keys or setscrews that are:

- Within an enclosure.
- Below the plane of the rim of a pulley that is less than twenty inches in diameter.
- Located where employee contact is not possible.

## PULLEYS

### NEW SECTION

**WAC 296-806-30024 Safeguard pulleys.**

**You must:**

• Safeguard pulleys that have any part of the pulley seven feet or less above the floor or working surface.

**Exemption:** You do not need to safeguard pulleys that are in a room, vault, or similar space that contain only power transmission parts or equipment if the space:

- Is controlled by lock and key or has similarly restricted access that allows only authorized persons to enter.
- Is well lit.
- Has a dry, level, and firm floor.

• Has a well-marked route with a vertical clearance of at least five feet six inches for authorized employees to follow to perform their duties.

### NEW SECTION

**WAC 296-806-30026 Make sure pulleys meet these requirements.**

**You must:**

(1) Make sure pulleys are designed and balanced for the speed at which they operate.

(2) Make sure **not** to use pulleys that are cracked or have a piece broken out of the rim.

## REVOLVING BARRELS, CONTAINERS, AND DRUMS

### NEW SECTION

**WAC 296-806-30028 Safeguard revolving drums, barrels, and containers.**

**You must:**

• Safeguard revolving drums, barrels, or containers by an enclosure that is interlocked with the drive mechanism so that they cannot revolve unless the enclosure is in place.

## SHAFTING, KEYWAYS, AND REVOLVING COLLARS

### NEW SECTION

**WAC 296-806-30030 Safeguard shafting.**

**Exemption:** You do not need to safeguard shafting that is in a room, vault, or similar space that contains only power transmission parts or equipment if the space:

- Is controlled by lock and key or has similarly restricted access that allows only authorized persons to enter.
- Is well lit.
- Has a dry, level, and firm floor.
- Has a well-marked route with a vertical clearance of at least five feet six inches for authorized employees to follow to perform their duties.

**You must:**

• Enclose shafting that is seven feet or less above the floor or working surface.

• Make sure projecting shaft ends either:

– Have a smooth edge, smooth end, and project no more than one-half the diameter of the shaft;

OR

– Are guarded by a nonrotating cap or safety sleeve.

• Safeguard shafting under a bench or table by enclosing it in a stationary casing or by using a trough with sides that both:

– Cover the shafting to within six inches of the bottom of the table or to within six inches of the floor or working surface, whichever is appropriate;

AND

– Extend two inches beyond the end of the shafting.

NEW SECTION

**WAC 296-806-30032** Make sure shafting meets these requirements.

**You must:**

- (1) Keep shafting free of:
  - Excessive oil or grease.
  - Rust or pitting from corrosion.
- (2) Secure shafting against excessive endwise movement.

NEW SECTION

**WAC 296-806-30034** Safeguard unused keyways.

**You must:**

- Fill, cover, or otherwise safeguard all unused keyways.

NEW SECTION

**WAC 296-806-30036** Make sure revolving collars meet these requirements.

**You must:**

- Make sure revolving collars are cylindrical.
- Screws or bolts used in the collar do **not** project beyond the outside of the collar.

NEW SECTION

**WAC 296-806-30038** Safeguard counterweights.

**You must:**

- Provide safeguarding for all counterweights where employees are exposed to contact.

### REQUIREMENTS FOR SPECIFIC MACHINES OR OPERATIONS

NEW SECTION

**WAC 296-806-400** **Summary.** This section applies to specific machines or operations found in your workplace. It is organized in alphabetical order by machine or operation.

- Reference:**
- If you have multiple specific machines and operations in your workplace, you need to follow all requirements in this section (WAC 296-806-400) that apply.
    - For example, if you use sanding machines and saws and cutting heads, you need to refer to both of these sections.
  - In addition to the requirements in this section, you need to refer to the following sections of this chapter in order to fully protect your employees from machine hazards:
    - WAC 296-806-200, Requirements for all machines.
    - WAC 296-806-300, Requirements for all machine parts.

**Your responsibility:**

To protect employees from hazards associated with specific machines and their operations in your workplace.

**You must:**

Follow the requirements in each of the following sections that apply to your workplace.

Abrasive wheels and machines

WAC 296-806-405.

Calenders

WAC 296-806-410.

Compactors

WAC 296-806-415.

Conveyors

WAC 296-806-420.

Food processing equipment

WAC 296-806-425.

Forging machines

WAC 296-806-430.

Garbage (waste) disposals

WAC 296-806-435.

Glue spreaders

WAC 296-806-440.

Ironworkers

WAC 296-806-445.

Lathes

WAC 296-806-450.

Mechanical power presses

WAC 296-806-455.

Mills

WAC 296-806-460.

Press brakes

WAC 296-806-465.

Roll-forming and bending machines

WAC 296-806-470.

Sanding machines

WAC 296-806-475.

Saws and cutting heads

WAC 296-806-480.

Sewing machines

WAC 296-806-485.

### MACHINES USING ABRASIVE WHEELS

NEW SECTION

**WAC 296-806-405** **Summary.** This section applies to machines that are not hand held and that use an abrasive wheel.

**Exemption:** This section does not apply to machines using:

- Natural sandstone wheels.
- Pulpstone wheels.
- Coated abrasive products.
- Loose abrasives.

**Reference:**

- If you have multiple specific machines and operations in your workplace, you need to follow all requirements in WAC 296-806-400 that apply.

– For example, if you use sanding machines and saws and cutting heads, you need to refer to both of these sections.

• In addition to the requirements in this section, you need to refer to the following sections of this chapter in order to fully protect your employees from machine hazards:

- WAC 296-806-200, Requirements for all machines.
- WAC 296-806-300, Requirements for machine parts.

• See WAC 296-807-180, Portable tools using abrasive wheels, for requirements for hand-held abrasive wheel tools.

**Definition:**

An *abrasive wheel* is a grinding tool consisting of bonded abrasive grains. This includes diamond and reinforced wheels.

**Your responsibility:**

To make sure abrasive wheel machines and wheels are safe to use.

**You must:****GENERAL REQUIREMENTS FOR ABRASIVE WHEELS**

Make sure abrasive wheels and machines are properly designed and constructed

WAC 296-806-40502.

Make sure machines have safety guards

WAC 296-806-40504.

Make sure safety guards meet specific requirements

WAC 296-806-40506.

Provide a tongue guard on bench, pedestal, floorstand, and cylindrical grinders

WAC 296-806-40508.

Use a work rest for off-hand grinding

WAC 296-806-40510.

**MOUNTING ABRASIVE WHEELS**

Make sure abrasive wheels are safe to use

WAC 296-806-40512.

Mount wheels properly

WAC 296-806-40514.

Use proper flanges

WAC 296-806-40516.

Make sure flanges are in good condition

WAC 296-806-40518.

Use specific flanges for Type 1 cutting-off wheels

WAC 296-806-40520.

Use specific flanges for Type 27A cutting-off wheels

WAC 296-806-40522.

Use blotters when required

WAC 296-806-40524.

Meet specific blotter requirements when using modified Types 6 and 11 wheels (terrazzo)

WAC 296-806-40526.

**NEW SECTION**

**WAC 296-806-40502 Make sure abrasive wheels and machines are properly designed and constructed.**

**You must:**

- Make sure abrasive wheels and machines, including safety guards and flanges, manufactured on or after September 4, 2004, meet the design and construction requirements of American National Standards Institute (ANSI) B7.1-2000, Safety Requirements for the Use, Care and Protection of Abrasive Wheels.

- Make sure abrasive wheels and machines, including safety guards and flanges, manufactured before September 4, 2004, meet the design and construction requirements of American National Standards Institute (ANSI) B7.1-1970, Safety Code for the Use, Care and Protection of Abrasive Wheels.

**Note:** There may be a statement on the machine or in the instruction manual that the machine meets the appropriate ANSI standard. If in doubt, check with the manufacturer.

**NEW SECTION**

**WAC 296-806-40504 Make sure machines have safety guards. You must:**

- Use abrasive wheels only on machines that have safety guards.
- Make sure the safety guard:
  - Is mounted so it maintains proper alignment with the wheel.
  - Is mounted with fasteners strong enough to keep the guard in position if a wheel breaks.
  - Covers the spindle end, nut, and flange projections.

- Exemption:** Safety guards are not required on machines that use:
- Wheels for internal grinding while advancing, retracting or within the work.
  - Types 16, 17, 18, 18R, and 19 cones and plugs and threaded hole pot balls where either:
    - The work offers protection;
- OR**
- The size does not exceed three inches in diameter by five inches long.
  - Notched, segmented, or continuous rim metal centered diamond lapidary wheels that are:
    - Used with a coolant deflector;
- AND**
- Operated at 3,500 SFPM or less.
  - Type 1 reinforced wheels that are:
    - Three inches or less in diameter.
    - One-fourth inch or less thick.
    - Operating at peripheral speeds of 9,500 SFPM or less.
    - Used by operators wearing safety glasses and face shields.
    - Valve seating grinding wheels.
    - Remotely operated machines in an enclosure that will retain the pieces of a broken wheel.

**NEW SECTION**

**WAC 296-806-40506 Make sure safety guards meet specific requirements.**

**You must:**

- Make sure the machine safety guards meet the requirements of Table 405-1, Guard Requirements.

**Definition:**

Maximum exposure angle is the largest part of a wheel that does not need to be covered by a safety guard.

- Note:**
- The maximum exposure angle is measured by lines starting at the center of the spindle and extending to the ends of the guard at the wheel periphery.
  - Visors and other accessory equipment are used in determining the size of the guard opening only if they are at least as strong as the safety guard.



**Table 405-1  
Guard Requirements**

Machine	Maximum exposure angle and other guard restrictions
Bench, pedestal, or floor-stand grinders	<ul style="list-style-type: none"> <li>• Not higher than sixty-five degrees above the horizontal centerline of the wheel</li> <li>• One-fourth (ninety degrees) of the wheel for grinding done at or above the horizontal centerline of the wheel</li> <li>• One hundred twenty-five degrees if the work has to contact the wheel below the horizontal centerline of the wheel</li> </ul>
Cylindrical grinders	<ul style="list-style-type: none"> <li>• One-half (one hundred eighty degrees) of the wheel</li> <li>• Not higher than sixty-five degrees above the horizontal centerline of the wheel</li> </ul>
Surface grinders	<ul style="list-style-type: none"> <li>• One hundred fifty degrees of the wheel</li> <li>• Not higher than fifteen degrees below the horizontal</li> </ul>
Cutting-off machines	<ul style="list-style-type: none"> <li>• One-half (one hundred eighty degrees) of the wheel</li> </ul>
Swing frame grinders	<ul style="list-style-type: none"> <li>• One-half (one hundred eighty degrees) of the wheel</li> <li>• Encloses the top one-half of the wheel</li> </ul>
Swing frame grinders using cup wheels	<ul style="list-style-type: none"> <li>• One-half (one hundred eighty degrees) of the wheel</li> <li>• Covers the wheel on the side towards the operator</li> </ul>
Semiautomatic snagging machines	<ul style="list-style-type: none"> <li>• One-half (one hundred eighty degrees) of the wheel</li> <li>• Covers the wheel on the side towards the operator</li> </ul>
Machines used for top grinding	<ul style="list-style-type: none"> <li>• As small as possible up to one-sixth (sixty degrees) of the wheel</li> </ul>

**NEW SECTION**

**WAC 296-806-40508 Provide a tongue guard on bench, pedestal, floorstand, and cylindrical grinders.**

**You must:**

- Make sure, if the operator stands in front of the opening in the safety guard, that the safety guard (tongue guard) at the

top of the opening is adjusted to within one-fourth inch of the wheel.

**Definition:**

The tongue guard is an integral part of a safety guard that is located where the upper exposed part of the abrasive wheel meets the safety guard. It can be adjusted as necessary to maintain a set distance from the constantly decreasing diameter of the wheel.

**NEW SECTION**

**WAC 296-806-40510 Use a work rest for off-hand grinding.**

**Exemption:**

- You do not need to use a work rest if:
- The size, shape, weight or finishing area of the workpiece prevents its use;
- OR**
- Contact with the grinding wheel below the horizontal plane of the spindle is necessary.

**You must:**

- Use a work rest to support the work.
- Make sure the work rest is:
  - Rigidly constructed.
  - Adjustable to compensate for wheel wear.
  - Adjusted only when the wheel is stopped.
  - Securely clamped after each adjustment.
  - Kept within one-eighth inch of the wheel.

**NEW SECTION**

**WAC 296-806-40512 Make sure abrasive wheels are safe to use.**

**You must:**

- Do the following before mounting a wheel:
  - Visually inspect the wheel for cracks or damage.
  - Perform a ring test for cracks if the size and shape of the wheel permits testing.
  - Make sure the spindle speed of the machine is not greater than the operating speed of the wheel.
- Make sure a damaged or cracked wheel is not mounted or used.

**Note:**

Wheels that have gouges, grooves, other damage, or material buildup on the grinding surface need to be dressed or trued to correct the problem. Wheels that cannot be trued are considered damaged and cannot be used.

**NEW SECTION**

**WAC 296-806-40514 Mount wheels properly.**

**You must:**

- (1) Make sure wheels fit freely on the spindle, wheel sleeves, or adaptors, and remain free under all grinding conditions.
  - (2) Make sure wheel, blotter and flange surfaces that contact each other are flat and free of foreign particles.
  - (3) Make sure any reducing bushing used in the wheel hole:
    - Fits freely on the spindle and maintains proper clearance;
- AND**
- Does not exceed the width of the wheel or contact the flanges.

PROPOSED

(4) Make sure that multiple wheels mounted between a single set of flanges are either:

- Cemented together;

OR

• Separated by spacers that have a diameter and bearing surface that is the same as the mounting flanges.

#### NEW SECTION

**WAC 296-806-40516 Use proper flanges.**

**You must:**

• Mount all abrasive wheels between flanges that have a diameter at least one-third the diameter of the wheel.

**Exemption:** This flange requirement does not apply to the following wheels:

- Mounted wheels (wheels permanently bonded to a shaft or mandrel).
- Abrasive disc wheels (inserted nut, inserted washer and projecting stud type).
- Plate mounted wheels.
- Cylinder, cup, or segmental wheels mounted in chucks.
- Types 27, 28, and 29 wheels.
- Internal wheels less than two inches in diameter.
- Modified Type 6 and 11 wheels (terrazzo).
- Types 1 and 27A cutting-off wheels.

**You must:**

- Make sure flanges are:
  - Dimensionally accurate.
  - Properly balanced.
  - Flat.
  - Free of rough surfaces or sharp edges.

• Make sure the driving flange is:

- Part of the spindle;

OR

– Securely fastened to the spindle.

• Make sure, if a wheel is mounted between two flanges,

that both flanges:

- Are the same diameter;

AND

– Have equal bearing surfaces.

**Exemption:** The following wheels do not require same diameter, equal bearing surface flanges:

- Types 27, 28, and 29 wheels with adaptors.
- Modified Types 6 and 11 wheels with tapered K dimension.
- Internal wheels less than two inches in diameter.

#### NEW SECTION

**WAC 296-806-40518 Make sure flanges are in good condition. You must:**

• Make sure flange bearing surfaces are in good condition.

• Replace or remachine a flange with a mounting surface that has any of the following problems:

- Warped.
- Burred on the bearing surface.
- Excessively worn (thickness or diameter).
- Out of true.

**Reference:** Flanges that are refaced or trued need to satisfy minimum dimension requirements specified in ANSI B7.1-2000, Safety Requirements for the Use, Care and Protection of Abrasive Wheels.

#### NEW SECTION

**WAC 296-806-40520 Use specific flanges for Type 1 cutting-off wheels.**

**You must:**

- Mount Type 1 cutting-off wheels between flanges that are:
  - Properly relieved with matching bearing surfaces.
  - At least one-fourth the wheel diameter.

#### NEW SECTION

**WAC 296-806-40522 Use specific flanges for Type 27A cutting-off wheels.**

**You must:**

- Mount Type 27A cutting-off wheels between flanges that are:
    - Flat (unrelieved) with matching bearing surfaces;
- AND
- At least one-fourth the wheel diameter.

#### NEW SECTION

**WAC 296-806-40524 Use blotters when required.**

**Exemption:** You do not need to use a blotter with any of the following:

- Mounted wheels (wheels permanently bonded to a shaft or mandrel).
- Abrasive disc and Type 2 wheels which are mounted by inserted nuts, inserted washers, or projecting studs.
- Plate mounted wheels.
- Wheels mounted in chucks (such as cylinders and segmental wheels).
- Types 27, 28, and 29 wheels.
- Type 1 and Type 27A cutting-off wheels.
- Internal wheels less than two inches in diameter.
- Diamond and cubic boron nitride wheels with metal or carbon fiber cores.

**You must:**

- Use a blotter between each flange and the abrasive wheel surface to uniformly distribute flange pressure.
- Make sure the blotter covers the entire flange contact area.
- Use a new blotter each time a wheel is mounted unless the wheel has a blotter already attached to it by the manufacturer.
- Make sure scuffed or damaged blotters are not used.

#### NEW SECTION

**WAC 296-806-40526 Meet specific blotter requirements when using modified Types 6 and 11 wheels (terrazzo).**

**You must:**

- Apply the blotter to the flat side only when mounting Modified Types 6 and 11 wheels (terrazzo).

### Calenders

#### NEW SECTION

**WAC 296-806-410 Summary.** This section applies only to hazards associated with calenders in the rubber and

plastics industry where two or more metal rolls are set vertically and revolving in opposite directions.

- Reference:**
- If you have multiple specific machines and operations in your workplace, you need to follow all requirements in WAC 296-806-400 that apply.
    - For example, if you use sanding machines and saws and cutting heads, you need to refer to both of these sections.
  - In addition to the requirements in this section, you need to refer to the following sections of this chapter in order to fully protect your employees from machine hazards:
    - WAC 296-806-200, Requirements for all machines.
    - WAC 296-806-300, Requirements for machines parts.

**Your responsibility:**

To protect employees from hazards associated with calenders.

**You must:**

Provide calender safety controls

WAC 296-806-41002.

Follow these stopping limit requirements for calenders

WAC 296-806-41004.

NEW SECTION

**WAC 296-806-41002 Provide calender safety controls.**

- Exemption:** These rules do not apply to calenders if the machinery is permanently set up so employees:
- Cannot reach through, over, under, or around to come in contact with the roll bite;
- OR
- Cannot be caught between a roll and nearby objects.

**You must:**

(1) Provide a safety trip control for the face of the calender that meets all of the following:

- Provided in front and back of each calender.
- Is accessible.
- Operates readily upon contact.

(2) Provide at least one of the following safety trip controls for the face of the calender:

- Safety trip rods, tripwire cables or wire center cords that:
  - Are within reach of the operator and the bite (nip point).

- Operate whether pushed or pulled.

- Are located across each pair of in-running rolls extending the length of the face of the rolls.

- Pressure sensitive body bars that:

- Are approximately forty inches vertically above the working level.

- Are horizontally at thirty-four inches from the in-running nip point.

- Operate readily by pressure of the mill operator's body.

(3) Include safety trip rods, cables or cords, in addition to the pressure sensitive body bars, if both of these apply:

- In-running rolls are located below the bar;

AND

- The operator needs to duck under the bar.

(4) Provide a safety cable or wire center cord on both sides of the calender that:

- Operates readily when pushed or pulled.

- Is connected to the safety trip.

**Note:**

- The center cord should be all of the following:
  - Twelve inches or less from the faces of the individual rolls.
  - At least two inches from the calender frame.
  - Anchored to the frame not more than six inches from the floor or operator's platform.

NEW SECTION

**WAC 296-806-41004 Follow these stopping limit requirements for calenders.**

**You must:**

- Make sure that calenders are stopped within one and three-quarters percent of the fastest speed at which they operate when empty.

- When calenders operate at more than two hundred fifty feet per minute, stopping distances above one and three-quarters percent of their fastest speed are allowed, but must have engineering support.

**COMPACTORS**

NEW SECTION

**WAC 296-806-415 Summary.** This section applies to all stationary compactors in your workplace.

**Reference:**

- If you have multiple specific machines and operations in your workplace, you need to follow all requirements in WAC 296-806-400 that apply.
  - For example, if you use sanding machines and saws and cutting heads, you need to refer to both of these sections.
- In addition to the requirements in this section, you need to refer to the following sections of this chapter in order to fully protect your employees from machine hazards:
  - WAC 296-806-200, Requirements for all machines.
  - WAC 296-806-300, Requirements for machine parts.

**Your responsibility:**

To protect employees from hazards associated with stationary compactors.

**You must:**

Safeguard hazardous moving parts of stationary compactors

WAC 296-806-41502.

Follow these requirements for compactor controls

WAC 296-806-41504.

Follow these requirements for compactor access doors and covers

WAC 296-806-41506.

Follow these requirements for compactors that cycle automatically

WAC 296-806-41508.

NEW SECTION

**WAC 296-806-41502 Safeguard hazardous moving parts of stationary compactors.**

**You must:**

- Prevent the compactor from operating while employees have any body parts in the compactor or hazard area.

• Provide a safeguarding method that prevents employees from putting hands, fingers, or any body part into the compactor during operation.

- Note:** Examples of safeguarding methods include:
- Making sure the compactor will not compact material while the gate or door is open.
  - Installing a guard, loading hopper, or enclosure at least forty-two inches high that prevents:
    - Entry of hands, fingers, or any body part into the loading chamber during operation.
    - An operator from being caught between moving parts of the equipment and material.
    - The creation of any hazard between the guard and moving parts.
  - You may also provide sustained manual pressure controls located so the operator cannot reach, but can still see, the point of operation if a guard is not used.

**Reference:** For additional requirements, when adjusting or clearing jams from compactors, see chapter 296-803 WAC, Lock-out/tagout (control of hazardous energy).

### NEW SECTION

**WAC 296-806-41504 Follow these requirements for compactor controls.**

**You must:**

- Follow these requirements for compactor controls:
  - Each control must have its function clearly labeled.
  - Controls must be designed and located to prevent them from unintentionally activating.
    - Electric stop buttons, including emergency stop buttons, must be:
      - Red in color, distinguishable from all other controls by size, and not recessed.
      - Emergency stop controls must be either:
        - Readily accessible to the operator;
    - OR
      - Located within three feet (91.4 cm) of the point of operation or feed area or if chute fed, within three feet (91.4 cm) of the access door.
        - An electrical disconnect must be located within sight, no more than fifty feet (1,524 cm), of the operating control panel.

### NEW SECTION

**WAC 296-806-41506 Follow these requirements for compactor access doors and covers.**

**You must:**

- Make sure access covers meet at least one of the following:
  - Interlocked.
  - Secured by a lockable device.
  - Removable by hand tools only.
- Make sure any loading chamber access door has an interlock system that prevents cycling motion when the door is open.

### NEW SECTION

**WAC 296-806-41508 Follow these requirements for compactors that cycle automatically.**

**You must:**

- Use automatic cycling controls only on compactors where the loading chamber is located so that it cannot be accessed during operation.

## CONVEYORS

### NEW SECTION

**WAC 296-806-420 Summary.** This section applies to hazards related to conveyors and conveying systems, including bulk material, package, or unit handling types. These requirements are designed to protect employees operating, maintaining, cleaning, and working around conveyors.

**Exemption:** This section does not apply to conveyor systems used primarily for moving employees.

- Reference:**
- If you have multiple specific machines and operations in your workplace, you need to follow all requirements in WAC 296-806-400 that apply.
    - For example, if you use sanding machines and saws and cutting heads, you need to refer to both of these sections.
    - In addition to the requirements in this section, you need to refer to the following sections of this chapter in order to fully protect your employees from machine hazards:
      - WAC 296-806-200, Requirements for all machines.
      - WAC 296-806-300, Requirements for machine parts.

**Your responsibility:**

To make sure all conveyors in your workplace are constructed, operated, and maintained in a safe manner.

**You must:**

**GENERAL REQUIREMENTS FOR CONVEYORS**

Follow these requirements for conveyors

WAC 296-806-42002.

Provide emergency stops on conveyors

WAC 296-806-42004.

Label conveyor controls

WAC 296-806-42006.

Prohibit riding on conveyors

WAC 296-806-42008.

Provide safe access to conveyors

WAC 296-806-42010.

Provide backstop or antirunaway devices to incline, decline, or vertical conveyors

WAC 296-806-42012.

Make only safe alterations to conveyors

WAC 296-806-42014.

Inspect and replace worn conveyor parts

WAC 296-806-42016.

Follow these requirements for replacing conveyor parts

WAC 296-806-42018.

Follow these requirements for spill guards

WAC 296-806-42020.

Provide pedestrian overpasses for conveyors

WAC 296-806-42022.

Guard openings to hoppers and chutes

WAC 296-806-42024.

Install guideposts

WAC 296-806-42026.

**BELT CONVEYORS**

Guard nip points on belt conveyors

WAC 296-806-42028.

Install emergency stop controllers on overland belt conveyors

WAC 296-806-42030.

Install belt conveyor overpasses

WAC 296-806-42032.

#### CHAIN CONVEYORS

Safeguard chain conveyors

WAC 296-806-42034.

Guard return strands on chain conveyors

WAC 296-806-42036.

Guard chain conveyors that are used as a transfer mechanism

WAC 296-806-42038.

#### ELEVATOR CONVEYORS

Prevent material from falling off of elevator conveyors

WAC 296-806-42040.

#### INCLINED RECIPROCATING CONVEYORS (SHAKERS)

Provide protection where employees must load shakers

WAC 296-806-42042.

Provide grating over silo and bunker openings for shuttle conveyors

WAC 296-806-42044.

#### MOBILE CONVEYORS

Guard wheels and rails on mobile conveyors

WAC 296-806-42046.

Prevent hazardous motion on mobile conveyors

WAC 296-806-42048.

Provide a detector for mobile conveyors

WAC 296-806-42050.

Provide safe access on mobile conveyors

WAC 296-806-42052.

#### PUSHER-BAR CONVEYORS

Guard pusher-bar conveyors

WAC 296-806-42054.

#### ROLLER CONVEYORS

Prohibit walking on roller-type conveyors

WAC 296-806-42056.

Use speed controls for roller and wheel conveyors

WAC 296-806-42058.

Safeguard belt-driven live roller conveyors

WAC 296-806-42060.

#### SCREW CONVEYORS

Guard screw conveyors

WAC 296-806-42062.

#### SKIP HOISTS

Provide slack-cable switches on hoists

WAC 296-806-42064.

Block the skip bucket and counterweight guides

WAC 296-806-42066.

Protect against wire rope coming off sheaves

WAC 296-806-42068.

#### SLAT AND ROLLER-SLAT CONVEYORS

Safeguard slat and roller-slat conveyors

WAC 296-806-42070.

#### TOWED CONVEYORS

Provide a safe method for disengaging the tow pin

WAC 296-806-42072.

Protect employees from moving carts on towed conveyors

WAC 296-806-42074.

Provide clearances and warnings for carts on towed conveyors

WAC 296-806-42076.

Mark projections above the floor

WAC 296-806-42078.

## GENERAL REQUIREMENTS FOR CONVEYORS

### NEW SECTION

**WAC 296-806-42002** Follow these requirements for conveyors.

#### You must:

- Construct, operate, and maintain all conveyors according to this chapter and the American National Standards Institute (ANSI) B20.1-1957.

- Make sure all new conveyors constructed after September 4, 2003 meets the requirements of the American Society of Mechanical Engineers (ASME) B20.1-1996.

### NEW SECTION

**WAC 296-806-42004** Provide emergency stops on conveyors.

#### You must:

- Make sure each conveyor has an emergency stopping device such as an emergency stop button, pull cord, or similar device.

- Make sure each emergency stopping device meets all of the following requirements. They must:

- Stop the conveyor a safe distance from the hazard.

- Be easily identified.

- Directly control that conveyor.

- Require a manual reset.

- NOT be overridden from another location.

- NOT require other equipment to be stopped in order to stop the conveyor.

- Make sure the emergency stop device on conveyors feeding or dumping into a hazardous machine such as a barker, saw, hog, or chipper is **at least one** of the following:

- Under the continuous control of an operator who cannot fall onto the conveyor and has full view of the material entrance;

OR

- Located where it can be reached from any position on the conveyor where it feeds or dumps into the hazardous machine.

### NEW SECTION

**WAC 296-806-42006** Label conveyor controls.

#### You must:

- Clearly label the function of each conveyor control.

**Note:** Controls and wiring that are no longer used should be removed from control stations.

### NEW SECTION

**WAC 296-806-42008** Prohibit riding on conveyors.

#### You must:

- Prohibit employees from riding on conveyors.

**Exemption:** You do not need to prohibit riding on an assembly conveyor moving eighty feet or less per minute or a conveyor with a station specifically designed for operating personnel.

**Reference:** See WAC 296-800-310, Exit routes, for specific requirements when conveyors pass over emergency exit routes.

#### NEW SECTION

**WAC 296-806-42010 Provide safe access to conveyors.**

**You must:**

- Provide a way to safely inspect and maintain conveyors located more than seven feet from the floor.

**Reference:** Some additional requirements for protecting employees inspecting and maintaining conveyors can be found in:

- Chapter 296-803 WAC, Lockout/tagout (control of hazardous energy).
- WAC 296-24-88050, Personal fall arrest systems.

#### NEW SECTION

**WAC 296-806-42012 Provide backstop or antirunaway devices on incline, decline, or vertical conveyors.**

**You must:**

- Make sure all incline, decline, or vertical conveyors use backstop or antirunaway devices when there is a danger of conveyor reversal or runaway.

#### NEW SECTION

**WAC 296-806-42014 Make only safe alterations to conveyors. You must:**

- Make sure, when making conveyor alterations, that you do not affect safety characteristics such as emergency stop controls, guards, or the incline of the conveyor, if such changes would create a danger to workers.

#### NEW SECTION

**WAC 296-806-42016 Inspect and replace worn conveyor parts.**

**You must:**

- Carefully inspect and replace any conveyor part that shows signs of significant wear before it becomes a hazard.

#### NEW SECTION

**WAC 296-806-42018 Follow these requirements for replacing conveyor parts.**

**You must:**

- Make sure replacement conveyor parts are equal to or exceed the manufacturer's specifications.

#### NEW SECTION

**WAC 296-806-42020 Follow these requirements for spill guards.**

**You must:**

- Install protective or spill guards wherever conveyors pass next to or over working areas or passageways.
  - These guards must be designed to catch and hold any materials that may become dislodged or fall off.

#### NEW SECTION

**WAC 296-806-42022 Provide pedestrian overpasses for conveyors.**

**You must:**

- Provide a pedestrian overpass covering the full width of a passageway if **one** of these conditions exists:

- The working strand of a conveyor crosses within three feet of floor level.

- Workers must step over the strand and trough at or below floor level.

- Provide a pedestrian overpass where workers cannot pass under the conveyor safely.

- The sides of the crossing platform must have standard railings if **one** of the following exists:

- The overpass is more than four feet high.

- The conveyor feeds a machine such as saws, chippers, hogs, or galvanizing tanks.

**Reference:** For guardrail requirements see WAC 296-24-75011, Railing, toeboards, and cover specifications.

#### NEW SECTION

**WAC 296-806-42024 Guard openings to hoppers and chutes.**

**You must:**

- Guard all openings to hoppers, chutes, and elevator-type conveyors to prevent workers from:

- Falling or stepping into them.

- Making any kind of bodily contact with conveyors.

**Note:** Grating provided at floor level with no openings larger than two inches (50 mm) that is strong enough to withstand any load of personnel or trucks that may be imposed upon it is acceptable guarding.

**You must:**

- Do **all** of the following when dumping operations use chutes or hoppers that are flush with the floor and their use cannot be guarded:

- Place a temporary guardrail around ground or floor-level hoppers when dumping operations are **not** in progress.

- Post warning signs in a conspicuous location alerting personnel to the presence of an open pit in order to protect employees when dumping operations are in progress.

**Reference:** For guardrail requirements see WAC 296-24-75011, Railing, toeboards, and cover specifications.

#### NEW SECTION

**WAC 296-806-42026 Install guideposts.**

**You must:**

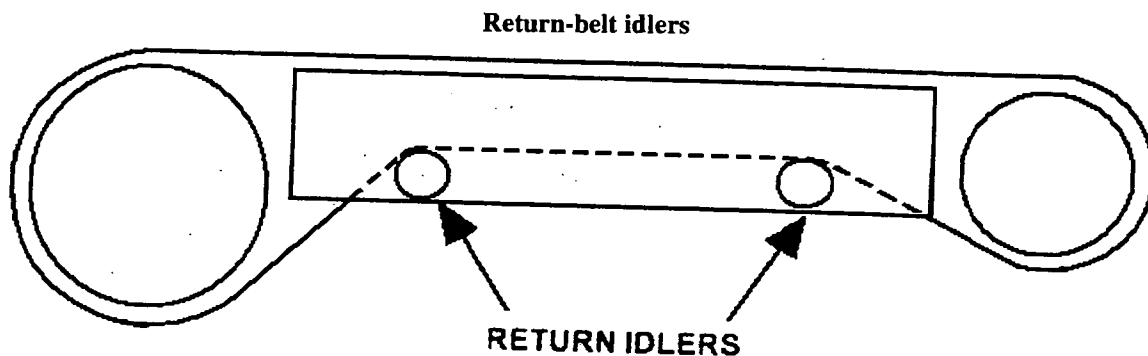
- Install guideposts to direct employees driving trucks, loaders, or other equipment to the pit, hopper, or chute.

## BELT CONVEYORS

### NEW SECTION

#### WAC 296-806-42028 Guard nip points on belt conveyors.

**Exemption:** This rule does not require guards along the conveyor at the point where the belt rides on return rollers, such as return-belt idlers.



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#### You must:

- Place nip point guards at **all** of these points:
  - Where the belt wraps around the pulley.
  - At terminals, take-ups, and snub rollers where the belt changes directions at transfers and deflectors.
  - At the discharge end.
  - At other points where workers may be injured by nip or shear points.

**Note:** The practice of applying a belt dressing or other foreign material to a rotating drive pulley or a conveyor belt is hazardous and should be avoided.

### NEW SECTION

#### WAC 296-806-42030 Install emergency stop controllers on overland belt conveyors.

#### You must:

- Install permanent emergency pull cords or similar emergency stop controllers at points where workers are normally stationed along overland belt conveyors.

**Note:** Personnel that patrol overland belt conveyors may use portable emergency stop controllers instead of permanently installed pull cords and push-button stations.

### NEW SECTION

#### WAC 296-806-42032 Install belt conveyor overpasses.

#### You must:

- Install a pedestrian overpass or underpass along the sides of long overland belt conveyors, where there is the most foot traffic.
  - The distance between overpasses should not exceed three hundred meters or one thousand feet.

## CHAIN CONVEYORS

### NEW SECTION

#### WAC 296-806-42034 Safeguard chain conveyors.

#### You must:

- Provide safeguards for drive, tail, and idler sprocket pulleys where the chain creates a nip or shear point.

### NEW SECTION

#### WAC 296-806-42036 Guard return strands on chain conveyors. You must:

- Provide a way to catch and support the ends of a chain that break over a passageway.
- Provide a strong enough trough to carry the weight from a broken chain on conveyors when return strands operate within seven feet of the floor.

### NEW SECTION

#### WAC 296-806-42038 Guard chain conveyors that are used as a transfer mechanism.

#### You must:

- Guard chain conveyors whose moving chains cannot be enclosed without impairing their function by **one** of the following methods:
  - Distance as required in WAC 296-806-20056, Make sure safeguarding by distance meets these requirements.
  - Personnel barriers.
  - Warning signs where personnel barriers are not practical.

**Note:** Chain conveyors with moving chains that cannot be enclosed include those:

- Mounted within another conveyor.
- Raised and lowered as a transfer mechanism.

**ELEVATOR CONVEYORS****NEW SECTION**

**WAC 296-806-42040 Prevent material from falling off of elevator conveyors.**

**You must:**

- Install strong guards, screens, or barricades to prevent material from falling in any direction into the shaft way of elevator-type conveyors, except at loading and unloading areas.
- Install automatic shaft way gates or suitable barriers at each floor level where material is loaded or unloaded.

**INCLINED RECIPROCATING CONVEYORS (SHAKERS)****NEW SECTION**

**WAC 296-806-42042 Provide protection where employees must load shakers.**

**You must:**

- Provide standard guardrails or snap chains along loading sides of the shaker where personnel must load or unload material.
  - Snap chains must be at least thirty-nine inches high at their lowest point.
- Make sure controls are located so the conveyor cannot be started by an employee on the moving part of the conveyor.

**NEW SECTION**

**WAC 296-806-42044 Provide grating over silo and bunker openings for shuttle conveyors.**

**You must:**

- Provide grating with openings to match the size of the material being discharged into silos or bunkers. Make sure openings are:
  - Small enough so that workers cannot fall through.
  - Protected by other effective means if the material size requires openings large enough for a worker to fall through.

**MOBILE CONVEYORS****NEW SECTION**

**WAC 296-806-42046 Guard wheels and rails on mobile conveyors.**

**You must:**

- Install sweeps in front of the nip points created by the wheels and rails to deflect objects that could derail the conveyor.

**NEW SECTION**

**WAC 296-806-42048 Prevent hazardous motion on mobile conveyors.**

**You must:**

- Make sure mobile conveyors have **at least one** of the following to prevent hazardous motion:

- Brakes.
- Rail clamps.
- Other position-locking devices.
- Provide limit switches that will stop travel when exceeding the design limits of rail-mounted mobile conveyors.
- Provide rail stops to keep the conveyor from traveling past its designed end location.

**NEW SECTION**

**WAC 296-806-42050 Provide a detector for mobile conveyors.**

**You must:**

- Provide a detector to stop conveyor movement when the operation creates a danger of running into a stockpile or other obstacle.

**NEW SECTION**

**WAC 296-806-42052 Provide safe access on mobile conveyors.**

**You must:**

- Make sure that access stairways, ladders, and platforms are designed and located to avoid the shear or nip point hazards of the conveyor and moving machinery.

**PUSHER-BAR CONVEYORS****NEW SECTION**

**WAC 296-806-42054 Guard pusher-bar conveyors.**

**You must:**

- Provide a guard when hazards exist at each of these points:
  - At the discharge point where the bar passes through the bed.
  - Where there is a shear point between the return pusher bar and a frame member.

**ROLLER CONVEYORS****NEW SECTION**

**WAC 296-806-42056 Prohibit walking on roller-type conveyors.**

**You must:**

- Prohibit employees from walking on the rolls of roller-type conveyors.
  - Tread plates or other types of walkways can be used between the rollers as a walking surface for operators when performing their duties.

**NEW SECTION**

**WAC 296-806-42058 Use speed controls for roller and wheel conveyors.**

**You must:**

- Avoid safety hazards created by unit or package speeds by **one** of the following methods:
  - Limiting the length of the sloped run.



- Using speed retarders or brakes.
- Other means of providing speed control.
- Make sure rollers and wheels are free running to prevent locked wheels from steering or pulling materials to one side or off the conveyor.

NEW SECTION**WAC 296-806-42060 Safeguard belt-driven live roller conveyors.****You must:**

- Guard belt and roller nip points by **one** of the following methods:
  - Space load-carrying rollers to prevent access to the belt and roller nip points.
  - Insert rods or plates between the rollers to prevent access to the belt and roller nip points.
  - Use rollers that pop out when something contacts the nip point.
  - Distance safeguarding found in:
    - WAC 296-806-20056, Make sure safeguarding by distance meets these requirements.

**Reference:** For nip points and shear hazards on power-driven (live) roller conveyors see WAC 296-806-42028, Guard nip points on belt conveyors.

**SCREW CONVEYORS**NEW SECTION**WAC 296-806-42062 Guard screw conveyors.****You must:**

- Enclose the rotating screw to prevent contact with the shear points where it passes the sides of the trough or casing.
- Guard screw conveyors requiring an open housing by using **one** of the following:
  - WAC 296-806-20056, Make sure safeguarding by distance meets these requirements.
  - WAC 296-806-20058, Make sure guardrails used for safeguarding meet these requirements.
- Construct feed openings for shovel, front-end loader, or other manual or mechanical equipment so that the conveyor screw is covered by a grating.
  - If the nature of the material is such that a grating cannot be used, then the exposed section of the conveyor must be guarded by a railing and warning signs.

**SKIP HOISTS**NEW SECTION**WAC 296-806-42064 Provide slack-cable switches on hoists.****You must:**

- Provide and arrange slack cable switches to cut power to the drive and set the brake when the skip or counterweight hoisting ropes either:
  - Develop slack;
- OR**
- Lose tension due to sticking in the guides, over travel, or for any other reason.

NEW SECTION**WAC 296-806-42066 Block the skip bucket and counterweight guides.****You must:**

- Make sure the skip bucket and counterweight are blocked in their guides when the brake or any part of the drive train between the brake and the drum shaft are being repaired or replaced.

NEW SECTION**WAC 296-806-42068 Protect against wire rope coming off sheaves.****You must:**

- Fit all sheaves with sheave guards to prevent the wire rope from coming off under slack cable or similar conditions.

**SLAT AND ROLLER-SLAT CONVEYORS**NEW SECTION**WAC 296-806-42070 Safeguard slat and roller-slat conveyors.****You must:**

- Provide **either** of these safeguards at the tail end of a slat conveyor if the slats are above the centerline of the chain:
  - A guard over the hazardous tail end;
- OR**
- Warning signs if guards are impractical because of material flowing over the tail sprocket.
- Provide **either** of these safeguards when there is a gap between the slats wide enough to permit access to cross members below the slats:
  - A continuous pan under the slats;
- OR**
- Keep all cross members a safe distance from the slats.

**TOWED CONVEYORS**NEW SECTION**WAC 296-806-42072 Provide a safe method for disengaging the tow pin.****You must:**

- Provide a method for the operator to disengage the tow pin from a conveyor pusher without being in front of the cart.

NEW SECTION**WAC 296-806-42074 Protect employees from moving carts on towed conveyors.****You must:**

- Make sure runaway carts are unable to exit ramps and enter work areas.
- Have a barrier of sufficient strength and height on ramps with pedestrian or traffic aisles to prevent a runaway cart from entering the aisle.
- Have signs warning employees not to enter ramps that do not have pedestrian or traffic aisles.

**NEW SECTION****WAC 296-806-42076 Provide clearances and warnings for carts on towed conveyors.****You must:**

• Provide clearance space for personnel in all of the following:

- Between the sides of carts.
- Between any load overhanging the side of a cart.
- Any fixed or moving object.
- Identify the cart path with floor stripes that are:
  - Parallel to the cart path.
  - Arranged so one line is on each side of the path.
  - Located a safe distance from the edge of the cart or overhanging load.

• Mark reduced clearance areas with appropriate warning signs.

**Note:** An example of a reduced clearance area is an area where a cart goes through a wall opening.

**You must:**

• Place an appropriate warning on those areas where a cart may unexpectedly change direction, such as switching off the main line into a transfer conveyor or a spur.

**Note:** An example of an appropriate warning would be to use diagonal stripes on the floor between clearance lines.

**You must:**

• Install a sign, signal, or other warning where carts start automatically.

**NEW SECTION****WAC 296-806-42078 Mark projections above the floor.****You must:**

• Mark the area around projections above the floor with appropriate diagonal stripes, warning signs, or both.

**Note:** This is especially important if projections above the floor are unpredictable or occur intermittently.

**FOOD PROCESSING EQUIPMENT****NEW SECTION****WAC 296-806-425 Summary.** This section applies to:

• All businesses that manufacture or process food, whether or not they are contained inside food stores;

**AND**

• The design, installation, operations, and maintenance of machinery and equipment used in the food processing industry.

**Reference:** • If you have multiple specific machines and operations in your workplace, you need to follow all requirements in WAC 296-806-400 that apply.

– For example, if you use sanding machines and saws and cutting heads, you need to refer to both of these sections.

• In addition to the requirements in this section, you need to refer to the following sections of this chapter in order to fully protect your employees from machine hazards:

- WAC 296-806-200, Requirements for all machines.
- WAC 296-806-300, Requirements for machine parts.

**Your responsibility:**

To protect employees from hazards associated with food processing facilities and machines.

**You must:****FACILITIES**

Provide locks on chamber doors of large air conditioning units

WAC 296-806-42502.

Use proper door locks on rack-type bread coolers

WAC 296-806-42504.

Provide see-through panels on fermentation room doors

WAC 296-806-42506.

Cover exposed hot pipes

WAC 296-806-42508.

Provide extension piping on stationary lubrication fittings

WAC 296-806-42510.

Provide hoods for pan-washing tanks

WAC 296-806-42512.

Safeguard proof boxes

WAC 296-806-42514.

Safeguard storage bins

WAC 296-806-42516.

**MATERIAL HANDLING**

Follow these design requirements for bag lifts (bag arm elevators) and chutes

WAC 296-806-42518.

Follow these requirements for chain tackle

WAC 296-806-42520.

Safeguard conveyors

WAC 296-806-42522.

Use properly designed covers for screw conveyors (augers)

WAC 296-806-42524.

Safeguard pallet jacks and hand trucks

WAC 296-806-42526.

**SPECIFIC FOOD PROCESSING EQUIPMENT**

Safeguard bakery slicers

WAC 296-806-42528.

Safeguard bakery wrapping machines

WAC 296-806-42530.

Provide troughs with antifriction-bearing casters

WAC 296-806-42532.

Follow these requirements for trough hoists and similar equipment

WAC 296-806-42534.

Follow these requirements for dividers

WAC 296-806-42536.

Safeguard manually-fed dough and cross-roll brakes

WAC 296-806-42538.

Provide a guard or tripping device on reversible dough brakes

WAC 296-806-42540.

Follow these requirements for doughnut machines

WAC 296-806-42542.

Follow these requirements for dumpbins and blenders

WAC 296-806-42544.

Follow these requirements for flour-handling machines

WAC 296-806-42546.

Follow these requirements for traveling or track-type flour scales

WAC 296-806-42548.

Follow these requirements for food grinders and cutters

WAC 296-806-42550.

Provide covers with interlocks on ingredient premixers, emulsifiers, and similar machines

WAC 296-806-42552.

Follow these requirements for open fat kettles

WAC 296-806-42554.

Follow these requirements for steam kettles

WAC 296-806-42556.

Follow these requirements for chocolate melting, refining, and mixing kettles

WAC 296-806-42558.

Safeguard meat-processing equipment (circular meat-cutting saws)

WAC 296-806-42560.

Follow these requirements for horizontal dough mixers

WAC 296-806-42562.

Follow these requirements for vertical mixers

WAC 296-806-42564.

Follow these requirements for mechanical-feed moulders

WAC 296-806-42566.

Follow these requirements for hand-fed moulders

WAC 296-806-42568.

Design, install, and construct your ovens according to these requirements

WAC 296-806-42570.

Properly locate emergency "stop" buttons and main shut off valves for ovens

WAC 296-806-42572.

Inspect and test safety devices on ovens

WAC 296-806-42574.

Follow these requirements for peanut-cooling trucks

WAC 296-806-42576.

Follow these requirements for pretzel-rolling, pretzel-stick extruding, rotary, and die machines

WAC 296-806-42578.

Safeguard box and roll-type dough sheeters

WAC 296-806-42580.

Provide proper enclosures for sifters

WAC 296-806-42582.

Follow these requirements for sugar and spice pulverizers

WAC 296-806-42584.

## FACILITIES

### NEW SECTION

**WAC 296-806-42502 Provide locks on chamber doors of large air conditioning units.**

**You must:**

- Make sure all door locks on air conditioning unit chambers, that are large enough for employees to enter, can be operated from both inside and outside the chamber.

### NEW SECTION

**WAC 296-806-42504 Use proper door locks on rack-type bread coolers.**

**You must:**

- Make sure all door locks can be operated from both inside and outside the bread cooler.

### NEW SECTION

**WAC 296-806-42506 Provide see-through panels on fermentation room doors.**

**You must:**

- Provide shatterproof, see-through panels, made of wire glass or plastic, on fermentation room doors.

### NEW SECTION

**WAC 296-806-42508 Cover exposed hot pipes.**

**You must:**

- Cover exposed hot (160°F or more) water and steam pipes with insulating material wherever necessary to prevent employee contact.

### NEW SECTION

**WAC 296-806-42510 Provide extension piping on stationary lubrication fittings.**

**You must:**

- Provide extension piping on stationary lubrication fittings to prevent workers from reaching into the hazardous area when lubricating moving machinery.

### NEW SECTION

**WAC 296-806-42512 Provide hoods for pan-washing tanks.**

**Exemption:** This requirement does not apply to dishwashers or sanitizers used in restaurants or retail establishments.

**You must:**

- Provide power-ventilated exhaust hoods over the tank.

### NEW SECTION

**WAC 296-806-42514 Safeguard proof boxes.**

**You must:**

- (1) Make sure all door locks can be operated from both inside and outside the proof box.
- (2) Provide guide rails to center the racks as they enter, pass through, and leave the proof box if pans, boards, or trays may be easily dislodged.

### NEW SECTION

**WAC 296-806-42516 Safeguard storage bins.**

**Exemption:** This requirement does not apply to under-the-counter ingredient bins found in retail stores.

**You must:**

- (1) Provide locks or latches to keep storage bin covers closed, and gaskets or other equivalent devices, to make sure covers are dust tight.

(2) Make sure employees lock covers in the open position when entering bins.

- Covers for bins that employees may enter must have a metal fastener (hasp) and lock that can be locked in the "open" position.

(3) Provide a standard stationary safety ladder on the inside and outside of storage bins with sides more than five feet deep.

- The ends of ladders must be kept away from moving screw conveyors.

- Outside ladders must reach from floor level to the top of the bin.

- Inside ladders must reach from the top of the bin to the bottom of the bin.

(4) Provide an electric interlock on the main entrance cover of large storage bins near the interior exit ladder.

- The interlock needs to prevent feed and unloading screw motors from operating while the cover is open.

**Reference:** You may need to follow other requirements found in chapter 296-811 WAC, Confined spaces.

## MATERIAL HANDLING

### NEW SECTION

**WAC 296-806-42518 Follow these design requirements for bag lifts (bag arm elevators) and chutes.**

**You must:**

(1) Make sure bag arm elevators with manual takeoff are designed to include:

- Maximum operating capacity of seven bags per minute.
- Spacing of arms on the conveyor chain to obtain the full capacity of the elevator with the lowest possible chain speed.
- An electric limit switch at the unloading end that automatically stops the conveyor chain if any bag does not clear the conveyor arms.

(2) Make sure bag chutes (gravity chutes for handling flour bags) that incline more than thirty degrees from horizontal:

- Are designed to keep the speed of flour bags as low as possible.

- Provide an upturn at the lower end of the chute to slow down the bags.

(3) Prohibit the use of bag or barrel lifts as personnel lifts.

(4) Prohibit manlifts in bakeries.

**Definition:**

**Manlift**

A device consisting of a power driven endless belt moving in one direction only, and provided with steps or platforms and handholds attached to it for the transportation of personnel from floor to floor.

### NEW SECTION

**WAC 296-806-42520 Follow these requirements for chain tackle.**

**You must:**

(1) Mark all chain tackle with the maximum load capacity so the marking is:

- Prominently displayed.

- Legible.

- Permanent.

(2) Mark all chain tackle with minimum support specifications so the marking is legible and permanent.

(3) Use safety hooks with chain tackle.

### NEW SECTION

**WAC 296-806-42522 Safeguard conveyors.**

**You must:**

(1) Install stop bumpers on all delivery ends of conveyors when products are manually removed.

(2) Make sure all conveyors have "stop" buttons at all operating stations.

(3) Provide emergency stop bars or switches at any point where both of these exist:

- The conveyor feeds into a machine;

**AND**

- Pinch points or catching hazards exist.

**Reference:** Additional requirements for conveyors are found in WAC 296-806-420.

### NEW SECTION

**WAC 296-806-42524 Use properly designed covers for screw conveyors (augers).**

**Exemption:** This requirement does not apply to screw conveyors where there are drop or hinged bottom sections that cannot remain airtight.

**You must:**

- Design covers for screw conveyors that are:

- Removable in convenient sections.

- Held in place with stationary clamps.

- Locate stationary clamps at intervals that will keep all covers dust tight.

### NEW SECTION

**WAC 296-806-42526 Safeguard pallet jacks and hand trucks.**

**You must:**

(1) Make sure motorized and nonmotorized pallet jacks have a lock or other device that holds the handle in the vertical position when the hand truck is not in use.

(2) Make sure hand truck casters are set back from corners:

- Locate them back from corners so they do not present a hazard to employee's toes and heels, but not close enough to cause the hand truck to become unstable.

**Reference:** Motorized hand trucks (pallet jacks) are classified as powered industrial trucks. Additional requirements for powered industrial trucks are found in chapter 296-863 WAC, Powered industrial trucks.

## SPECIFIC FOOD PROCESSING EQUIPMENT

### NEW SECTION

**WAC 296-806-42528 Safeguard bakery slicers.**

**You must:**

(1) Provide all slicers with a mechanical device to push the last loaf through the slicer knives.

(2) Equip all slicers with an interlock to deenergize the motor whenever a door, panel, or other point of access to the cutting blades is open.

(3) Guard all slicers with a barrier guard that provides an opening large enough for the sharpening stone to reach and sharpen slicer blades.

(4) Provide automatic braking to stop slicers with end-less band knives when the motor is not energized.

#### NEW SECTION

#### **WAC 296-806-42530 Safeguard bakery wrapping machines.**

##### **You must:**

(1) Extend or locate mechanical control levers that start and stop slicing machine conveyors and wrapping machines so an operator can control both machines from either location.

- Note:
- The levers should be provided wherever necessary, but arranged so only one station can start the wrapping machine and conveyor assembly.
  - Set up or guard controls to prevent accidental starting.
  - The electronic control station for starting and stopping the electric motor that drives the wrapping machine and conveyor should be near the clutch-starting lever.

##### **You must:**

(2) Provide a protective cover plate over electric heaters on bakery wrapping machines.

- The cover plate must be properly separated or insulated from heaters so the plate itself is not a burn hazard to operators.

#### NEW SECTION

#### **WAC 296-806-42532 Provide troughs with anti-friction-bearing casters.**

##### **You must:**

- Provide anti-friction-bearing casters on troughs so operators can move and direct them with minimal effort.

#### NEW SECTION

#### **WAC 296-806-42534 Follow these requirements for trough hoists and similar equipment.**

##### **You must:**

(1) Mark all hoists and similar equipment with the maximum loading capacity so the marking is:

- Prominently displayed.
- Legible.
- Permanent.

(2) Mark all hoists with minimum support specifications so that the marking is legible and permanent.

(3) Provide safety catches for the chain so that it will hold the load in any position.

(4) Use safety hooks with hoists.

#### NEW SECTION

#### **WAC 296-806-42536 Follow these requirements for dividers.**

##### **You must:**

• Enclose or safeguard the moving parts in the back of the divider with **all** of the following:

– A complete cover to enclose **all** moving parts OR an enclosure or guard for each individual part to remove separate hazards.

– A limit switch to shut off the machine when the rear cover is open.

– A hinged guard on the back that cannot be completely removed.

■ If a catch or brace is provided for holding the cover open, make sure it will not release due to vibrations or minor bumping, causing the cover to drop on an employee.

#### NEW SECTION

#### **WAC 296-806-42538 Safeguard manually-fed dough and cross-roll brakes.**

##### **You must:**

(1) Guard the top roll with a heavy-gage metal shield that extends over the roll to within six inches of the hopper bottom board.

Note: The shield may be perforated to allow observation of the dough entering the rolls.

##### **You must:**

(2) Provide an emergency "stop" bar that includes a self-engaging brake.

• Locate it so that if the operator falls forward or gets their hands caught in the rolls, their body will press against the bar, causing the rolls to stop instantly by opening the circuit to:

– Deenergize the drive motor.

– Activate a spring-set magnetic brake.

• Activate the emergency "stop" bar before each shift to make sure it is functioning properly.

#### NEW SECTION

#### **WAC 296-806-42540 Provide a guard or tripping device on reversible dough brakes.**

##### **You must:**

• Provide a guard or tripping device on each side of the rolls of reversible dough brakes.

– The guard or device must be designed so that it stops the machine or reverses the direction of the rolls, if moved by the operator.

#### NEW SECTION

#### **WAC 296-806-42542 Follow these requirements for doughnut machines.**

##### **You must:**

• Provide separate flues for venting both of the following:

– Vapors from the frying section;

AND



– Products of combustion from the combustion chamber used to heat the fat.

#### NEW SECTION

**WAC 296-806-42544 Follow these requirements for dumpbins and blenders.**

##### **Definition:**

##### **Dumpbin and blender**

The part of the flour handling system where the containers of flour are emptied.

##### **You must:**

- (1) Make sure dumpbin and blender hoods are large enough to prevent circulation of flour dust outside the hoods.
- (2) Provide a stop control device for dumpbins and blenders located close to the operator's work station.
- (3) Position dumpbins at an appropriate height from the floor so that operators can dump flour from bags without excessive strain or fatigue.
- (4) Provide a bag rest stop, when the edge of a dumpbin is more than twenty-four inches above the floor.

#### NEW SECTION

**WAC 296-806-42546 Follow these requirements for flour-handling machines.**

##### **You must:**

- Make sure the following safeguards are used when flour-handling systems are run in electrical unity with one another:
  - When the beginning of the system is located far from its final delivery end, make sure:
    - All electric motors operating the system have one control at each end;
    - AND
    - Either control will stop all motors.
  - Arrange control circuits for magnetic controllers so opening **any** limit switch on an individual unit will deenergize **all** motors on that unit.

#### NEW SECTION

**WAC 296-806-42548 Follow these requirements for traveling or track-type flour scales.**

##### **You must:**

- Provide bar handles for the moving of traveling or track-type flour scales.

**Note:** For easier grip, the bar should be at least one inch in diameter.

##### **You must:**

- Guard trolley track wheels.

#### NEW SECTION

**WAC 296-806-42550 Follow these requirements for food grinders and cutters.**

##### **You must:**

- Make sure that food grinders and cutters:
  - Have an interlock so machines with removeable hoppers cannot be operated when the hopper is removed:

– Limit access to hoppers where grid guards cannot be used by providing feed conveyors or baffle-type hoppers. Hoppers must be both:

- Enclosed and provided with hinged covers;

AND

■ Equipped with an electric interlock so the machine will not operate with the cover open.

#### NEW SECTION

**WAC 296-806-42552 Provide covers with interlocks on ingredient premixers, emulsifiers, and similar machines.**

##### **You must:**

- Provide covers that attach to machines that have top openings.

**Note:** The covers should be arranged and interlocked so that power to the machine is shut off when the cover is opened far enough for the operator's fingers to come in contact with the beaters.

#### NEW SECTION

**WAC 296-806-42554 Follow these requirements for open fat kettles.**

##### **You must:**

- (1) Keep the floor around kettles in nonslip condition.
- (2) Make sure the top of the kettle is at least thirty-six inches above the floor or working level.

#### NEW SECTION

**WAC 296-806-42556 Follow these requirements for steam kettles.**

##### **You must:**

- (1) Provide positive locking devices to hold kettles in the desired position.
- (2) Provide safety devices for steam kettles according to:
  - The American Society of Mechanical Engineers (ASME) Pressure Vessel Code, section VIII, division I, Unfired Pressure Vessels, 2001, Kettles with Steam Jackets.

#### NEW SECTION

**WAC 296-806-42558 Follow these requirements for chocolate melting, refining, and mixing kettles.**

##### **You must:**

- (1) Provide a cover to enclose the top of the kettle.
- (2) Make sure the bottom outlet of each kettle is designed so the operator cannot:
  - Reach in to touch the revolving paddle.
  - Come in contact with the shear point between the paddle and the side of the kettle.

#### NEW SECTION

**WAC 296-806-42560 Safeguard meat-processing equipment (circular meat-cutting saws).**

**Exemption:** These requirements do not apply to table-top slicers such as those used in delis and restaurants.

**Reference:** When bandsaws are used to cut meat, follow the requirements in WAC 296-806-48042, Guard bandsaws.

**You must:**

- (1) Make sure all circular meat-cutting saws have both:
- Constant pressure controls;

**AND**

- A brake that automatically begins to stop the blade when the switch is released.

(2) Make sure each circular meat-cutting saw has a protective guard between the operator and the blade.

(3) Provide suspended, counterbalanced circular meat-cutting saws with guards that cover at least one of the following:

- Twenty-five degrees of the blade if the saw has two-hand controls;

**OR**

- Ninety degrees of the blade if the saw can be operated with one hand.

(4) Provide saws that are not suspended with a guard that covers ninety degrees of the blade.

**Note:** The size of the guard depends on whether it is suspended or has one- or two-handed controls.

**NEW SECTION**

**WAC 296-806-42562 Follow these requirements for horizontal dough mixers.**

**You must:**

(1) Make sure mixers are equipped with both of the following:

- An individual motor and control;

**AND**

- A conveniently located manual switch that prevents the mixer from being started during servicing or cleaning.

(2) Locate electrical control stations so control operators have a full view of bowls in the "open" position.

- These controls, other than a "stop" switch, must not be duplicated.

(3) Provide mixers with a full enclosure over the bowl that remains closed whenever the agitator is in motion.

- Minor openings in the enclosure during operation, such as ingredient doors and flour inlets, must each be less than one and one-half square feet in area.

**Exemption:** The full enclosure does not have to remain closed if the mixer has a dumping arrangement that provides safety devices where operators must use both hands in either of these situations:

- When the agitator is in motion under power and the bowl is open more than one-fifth of its total opening;

**OR**

- When starting the agitator, if the bowl is open more than one-fifth of its total opening.

**You must:**

(4) Make sure overhead covers or doors that can accidentally close are either:

- Counterbalanced to remain in the "open" position;

**OR**

- Provided with a catch, brace, or other positive means to hold them open until the operator releases them.

(5) Locate valves and controls that regulate the coolant in mixer jackets so they can be accessed without creating hazards to the operator.

**NEW SECTION**

**WAC 296-806-42564 Follow these requirements for vertical mixers.**

**You must:**

(1) Guard the point of operation for all sizes of vertical mixers if employees are exposed to contact with:

- The pinch point where the mixing tool meets the bowl.
- The catching hazard of the mixing tool.

**Note:**

- When evaluating exposure, the following conditions need to be considered:

- How the mixer functions such as visibility of the agitator or ability to accidentally switch the mixer on.

- How the worker performs operations such as adding ingredients without scraping the bowl or reaching into the bowl when the mixer is in motion.

- How close the worker gets to the hazard during operation.

- The worker's tools, clothing, jewelry, or hair that might get caught or fall into mixer.

- Type of guarding, if any.

- Slipping or tripping hazards in the area.

**You must:**

(2) Make sure mixers are equipped with both of the following:

- An individual motor and control;

**AND**

- A conveniently located manual switch that prevents the mixer from being started during servicing or cleaning.

(3) Make sure overhead panels or doors on mixers that can accidentally close are either:

- Counterbalanced to remain in an open position;

**OR**

- Provided with catches, braces, or other positive means to hold them open until the operator releases them.

(4) Make sure bowl-locking devices are the type that must be intentionally unlocked by the operator.

(5) Provide devices for moving filled bowls that weigh more than eighty pounds in and out of the mixing position on the machine.

**NEW SECTION**

**WAC 296-806-42566 Follow these requirements for mechanical-feed moulders.**

**You must:**

- Make sure hoppers for mechanical-feed moulders are designed and connected to the proofer so employee's hands cannot contact the in-running rolls.

**NEW SECTION**

**WAC 296-806-42568 Follow these requirements for hand-fed moulders.**

**You must:**

(1) Provide hand-fed moulders with either of the following, so employee's hands cannot enter the hopper and contact in-running rolls:

- A hopper that can be extended high enough to protect the employee;

– The top edge of the hopper needs to be well rounded to prevent injury when struck or bumped by an employee's hand;

OR

- A belt feed device.

(2) Provide each of these workers with a stopping device that can be easily reached:

- The operator feeding the moulder.
- The employee taking the dough away from the moulder.

#### NEW SECTION

**WAC 296-806-42570 Design, install, and construct your ovens according to these requirements.**

**You must:**

- Make sure all ovens manufactured or installed before August 13, 1999 meet or exceed ANSI Z50.1-1947 design, manufacturing, and installation requirements.
- Make sure all ovens manufactured or installed on or after August 13, 1999 meet the design, manufacturing, and installation requirements in ANSI/NFPA 86-1999.

#### NEW SECTION

**WAC 296-806-42572 Properly locate emergency "stop" buttons and main shut off valves for ovens.**

**You must:**

- (1) Locate emergency stop buttons on mechanical ovens close to where operators are stationed.
- (2) Locate main shutoff valves where they can be accessed in case of an emergency.
  - Main shutoff valves that permit turning off the fuel or steam in case of an emergency must operate independently of any automatic valves.

#### NEW SECTION

**WAC 296-806-42574 Inspect and test safety devices on ovens.**

**You must:**

- (1) Inspect ovens at least twice a month by a formally appointed, properly trained, bakery employee.
  - Include the following in your inspection:
    - All safety devices.
    - Testing of all safety shutoff valves, making sure they are positively tight.
  - (2) Make sure a representative of the oven manufacturer performs an annual inspection.
  - (3) Test all piping on ovens to make sure they are gas tight.
  - (4) Test oven systems as follows:
    - Test duct systems on indirect recirculating ovens that operate under pressure for tightness at the following intervals:
      - When the oven is first started.
      - At least every six months after that.

#### NEW SECTION

**WAC 296-806-42576 Follow these requirements for peanut-cooling trucks.**

**You must:**

- Make sure the entire top of the peanut-cooling truck has a grid-type cover.

#### NEW SECTION

**WAC 296-806-42578 Follow these requirements for pretzel-rolling, pretzel stick extruding, rotary, and die machines.**

**You must:**

- Protect the operator's hands from getting caught in moving parts by doing at least one of the following:
  - Cover the entire opening of dough hoppers with grid-type guards.
  - Extend the hopper higher.

#### NEW SECTION

**WAC 296-806-42580 Safeguard box and roll-type dough sheeters.**

**You must:**

- (1) Guard exposed rolls with either of these methods:
  - Guard the nip point of exposed sheeting rolls at the point where the dough enters the rolls;

OR

- Provide an emergency "stop" bar that extends the length of unguarded rolls that will stop the rolls on contact with the operator, if a barrier guard interferes with machine operation.

(2) Provide a stopping device for hoppers.

- Provide an automatic "stop" bar or stopping device along the back edge of the hopper.
  - If machine construction does not allow for this, place the bar or device where it will be most effective.

#### NEW SECTION

**WAC 296-806-42582 Provide proper enclosures for sifters.**

**You must:**

- Make sure enclosures on flour sifters:
  - Are dust tight.
  - Allow for ease of interior inspection.

#### NEW SECTION

**WAC 296-806-42584 Follow these requirements for sugar and spice pulverizers.**

**You must:**

- (1) Remove static electricity by grounding all drive belts used in sugar and spice pulverizers by using metal combs.
- (2) Follow the National Fire Protection Association (NFPA) 61-1999, standard for pulverizing sugar and spice grinding in order to prevent fires and dust explosions in agricultural and food products facilities.
- (3) Provide magnetic separators to reduce fire and explosion hazards.



**FORGING MACHINES**

**NEW SECTION**

**WAC 296-806-430 Summary.** The requirements in this section apply to machines used in the forming of hot metal, such as hot trimming presses, forging hammers, hot forging presses, upsetters, hot bending and hot metal presses, and equipment used in boltheaded and rivet making, as well as other forging equipment. For specific forging machine requirements, see Table 430-1.

- Exemption:** This section does not apply to cold forging operations.
- Reference:**
- If you have multiple specific machines and operations in your workplace, you need to follow all requirements in WAC 296-806-400 that apply.
  - For example, if you use sanding machines and saws and cutting heads, you need to refer to both of these sections.
  - In addition to the requirements in this section, you need to refer to the following sections of this chapter in order to fully protect your employees from machine hazards:
    - WAC 296-806-200, Requirements for all machines.
    - WAC 296-806-300, Requirements for machine parts.

**Your responsibility:**

To make sure all forging and associated equipment in your workplace are constructed, operated, and maintained in a safe manner.

**You must:**

**GENERAL REQUIREMENTS FOR FORGING MACHINES**

Follow these safety requirements when using lead and lead casts

- WAC 296-806-43002.
- Properly inspect and maintain forging equipment
- WAC 296-806-43004.
- Use safety blocks on hammers and presses
- WAC 296-806-43006.
- Make sure tongs meet these requirements
- WAC 296-806-43008.
- Protect employees when removing scale
- WAC 296-806-43010.
- Provide adequate foundations for hammers and presses
- WAC 296-806-43012.

Follow these requirements for manually operated valves and switches

WAC 296-806-43014.

**HAMMERS**

- Use die keys and shims made of proper-grade material
- WAC 296-806-43016.
- Provide a safety cylinder head
- WAC 296-806-43018.
- Provide a shutoff valve
- WAC 296-806-43020.
- Provide a means for cylinder draining
- WAC 296-806-43022.
- Follow these requirements for pressure pipes
- WAC 296-806-43024.
- Follow these requirements when using board hammers
- WAC 296-806-43026.

**OTHER FORGE FACILITY EQUIPMENT**  
Protect against sparks from saws  
WAC 296-806-43028.

**Table 430-1  
Specific Requirements for Forging Machines**

	Steam hammers	Airlift hammers	Board hammers	Saws
WACs needed in addition to those included under "General Requirements for Forging Machines"				
WAC 296-806-43016 Use die keys and shims made of proper-grade material	X	X		
WAC 296-806-43018 Provide a safety cylinder head	X	X		
WAC 296-806-43020 Provide a shutoff valve	X	X		
WAC 296-806-43022 Provide a means for cylinder draining	X	X		
WAC 296-806-43024 Follow these requirements for pressure pipes	X	X		
WAC 296-806-43026 Follow these requirements when using board hammers			X	
WAC 296-806-43028 Protect against sparks from saws				X

**GENERAL REQUIREMENTS FOR FORGING**

**NEW SECTION**

**WAC 296-806-43002 Follow these safety requirements when using lead and lead casts.**

**You must:**

- (1) Provide thermostats for heating elements to prevent overheating.
- (2) Provide a means of exhaust for fixed or permanent lead pot installations.
- (3) Provide a covered container to store dross skimmings.
- (4) Keep equipment clean, especially from accumulations of yellow lead oxide.

**Reference:** • See WAC 296-800-160, Personal protective equipment (PPE) for PPE requirements.

PROPOSED

- See chapter 296-62 WAC, General occupational health standards, for ventilation requirements when using portable lead pot units.

- Date of the inspection.
- Signature of the person doing the inspection.
- Serial number or other identification for the piece of equipment inspected.
- Safeguard all overhead machinery parts so they do not fly off or fall, if the equipment breaks.

**NEW SECTION**

**WAC 296-806-43004 Properly inspect and maintain forging equipment.**

**You must:**

- Keep all forge shop equipment in safe operating condition.
- Train personnel in proper inspection and maintenance procedures.
- Establish periodic and regular safety inspections.
- Schedule frequent and regular safety inspections of all guards and point-of-operation protection devices.
- Keep written records of safety inspections that include all of the following:

**NEW SECTION**

**WAC 296-806-43006 Use safety blocks on hammers and presses.**

**You must:**

- Use safety blocks on hammers and presses when dies are being changed and maintenance or repair work is being done on the machine.
- Provide safety blocks or wedges that meet or exceed the specifications and dimensions shown in Table 430-2.

**Table 430-2  
Strength and Dimensions for Wood Safety Blocks or Wedges**

Size of timber inches using actual dimensions	4x4	6x6	8x8	10x10	12x12	
Square inches in cross section	16	36	64	100	144	
Minimum allowable crushing strength parallel to grain, p.s.i.	5,000	5,000	5,000	5,000	5,000	<b>Note:</b> Adapted from U.S. Department of Agriculture Technical Bulletin 479. Hardwoods recommended are those whose ultimate crushing strengths in compression parallel to grain are 5,000 p.s.i. (pounds per square inch) or greater.
Maximum static load within short column range	80,000	180,000	320,000	500,000	720,000	<b>Note:</b> Slenderness ratio formula for short columns is $L/d = 11$ , where L = length of timber in inches and d = least dimension in inches; this ratio should not exceed 11.
Safety factor	10	10	10	10	10	
Maximum recommended weight of forging hammer for timber used	8,000	18,000	32,000	50,000	72,000	
Maximum allowable length of timber in inches	44	66	88	100	132	

**NEW SECTION**

**WAC 296-806-43008 Make sure tongs meet these requirements.**

**You must:**

- Make sure tongs used with hammers, presses, upsetters, and forging equipment used in boltheaded and rivet making, meet the following requirements:
  - They are long enough so the worker can use the tongs without standing behind them, in order to avoid injury, in case of kickback.
  - The handle ends are not sharp.

PROPOSED

- Note:**
- The worker should be instructed about proper body positions when using tongs.
  - Tongs should be checked periodically to see that they remain at the proper hardness level for the job.
  - Rings or equivalent devices that are used for locking tongs should be inspected periodically to make sure they are safe.

NEW SECTION**WAC 296-806-43010 Protect employees when removing scale.****You must:**

- Protect employees at every hammer and press by:
  - Making sure they do not place a hand or arm between the dies by providing them with devices that reach the full length of the die when removing scale. Examples include:
    - Oil swabs.
    - Scale removers.
    - Other devices that remove scale by reaching the full length of the die.
  - Stopping flying scale through construction and arrangement of a scale guard that is *of substantial construction* at the back of every hammer and press.

NEW SECTION**WAC 296-806-43012 Provide adequate foundations for hammers and presses.****You must:**

- Provide foundations adequate to support the imposed weight and normal work stress for hammers and presses.
  - Hammers and presses must remain on their foundations.

NEW SECTION**WAC 296-806-43014 Follow these requirements for manually operated valves and switches.****You must:**

- Make sure all manually operated valves and switches are clearly identified and readily accessible for all of the following:
  - Presses.
  - Upsetters.
  - Forging equipment involved in boltheaded and rivet making.

**HAMMERS**NEW SECTION**WAC 296-806-43016 Use die keys and shims made of proper-grade material.****You must:**

- Make sure that die keys and shims are made from a grade of material that will not easily crack or splinter.

**Note:** Die keys and shims should not project more than two inches in front and four inches in back of the ram or die.

NEW SECTION**WAC 296-806-43018 Provide a safety cylinder head.****You must:**

- Make sure that every steam, airlift, or air hammer has a safety cylinder head that acts as a cushion if the rod breaks or pulls out of the ram.

NEW SECTION**WAC 296-806-43020 Provide a shutoff valve.****You must:**

- Provide each steam and airlift hammer with a quick-closing emergency valve in the admission pipeline that is distinctly marked and in a convenient location.
  - This valve needs to be closed and locked in the "off" position when the hammer is being adjusted, repaired, or serviced, or the dies are being changed.

**Reference:** See chapter 296-803 WAC, Lockout/tagout (control of hazardous energy).

NEW SECTION**WAC 296-806-43022 Provide a means for cylinder draining.****You must:**

- Provide a means for draining cylinders on steam hammers.
- Provide airlift hammers with both main head and clamp cylinder drains.

NEW SECTION**WAC 296-806-43024 Follow these requirements for pressure pipes.****You must:**

- Provide steam or air pressure piping on power-driven hammers that meets or exceeds the requirements in:
  - ANSI B31.1.0-1967, Power Piping, with addenda ANSI B31.1.06-1971, for hammers constructed before September 4, 2004.
  - ANSI B31.1.0-2001, Power Piping, with addenda ANSI B31.1.0A-2001, for hammers constructed on or after September 4, 2004.

NEW SECTION**WAC 296-806-43026 Follow these requirements when using board hammers.****You must:**

- Securely fasten a suitable enclosure to gravity-dropped board hammers to prevent damaged or detached boards from falling.
- Properly secure all major assemblies and fittings that can loosen and fall.

**OTHER FORGE FACILITY EQUIPMENT**NEW SECTION**WAC 296-806-43028 Protect against sparks from saws.**

PROPOSED

**You must:**

- Provide all saws with a sheet metal guard that is positioned to stop sparks.
  - The guard must be constructed of at least one-eighth inch sheet metal.

**Note:** It is advisable to provide all saws with a means to trap sparks below the saw and to use a tank of water below the saw to reduce the fire hazard.

**Reference:** Other saw requirements may be found in WAC 296-806-480, Saws and cutting heads.

**GARBAGE (WASTE) DISPOSALS**NEW SECTION

**WAC 296-806-435 Summary.** This section applies to the hazards associated with garbage (waste) disposals found in the workplace. These requirements are designed to protect employees from hazards associated with the point of operation and flying materials.

- Reference:**
- If you have multiple specific machines and operations in your workplace, you need to follow all requirements in WAC 296-806-400 that apply.
    - For example, if you use sanding machines and saws and cutting heads, you need to refer to both of these sections.
  - In addition to the requirements in this section, you need to refer to the following sections of this chapter in order to fully protect your employees from machine hazards:
    - WAC 296-806-200, Requirements for all machines.
    - WAC 296-806-300, Requirements for machine parts.

**Your responsibility:**

To protect employees from hazards associated with garbage (waste) disposals.

**You must:**

Safeguard garbage waste disposal equipment  
WAC 296-806-43502.

NEW SECTION

**WAC 296-806-43502 Safeguard garbage (waste) disposal equipment.**

**You must:**

- (1) Completely cover the screw conveyer on garbage disposal equipment with a properly designed and mounted trim-board cover that remains in place during operation.
- (2) Safeguard garbage disposal units that have openings large enough for body parts to contact the point of operation.
  - The guards need to be strong enough so that an employee's downward thrusting motion will not cause the guard material to stretch or open larger than two inches.

**Reference:** You may need to follow additional requirements found in WAC 296-806-20042, Make sure guards meet these requirements.

**GLUE SPREADERS**NEW SECTION

**WAC 296-806-440 Summary.** This section applies to safeguarding and emergency controls used to protect employ-

ees from the hazards associated with cleaning and operating glue spreaders.

**Reference:**

- If you have multiple specific machines and operations in your workplace, you need to follow all requirements in WAC 296-806-400 that apply.
  - For example, if you use sanding machines and saws and cutting heads, you need to refer to both of these sections.
- In addition to the requirements in this section, you need to refer to the following sections of this chapter in order to fully protect your employees from machine hazards:
  - WAC 296-806-200, Requirements for all machines.
  - WAC 296-806-300, Requirements for machine parts.

**Your responsibility:**

To protect employees from hazards associated with glue spreaders.

**You must:**

Provide guards and automatic shutoffs on glue spreaders  
WAC 296-806-44002.

NEW SECTION

**WAC 296-806-44002 Provide guards and automatic shutoffs on glue spreaders.**

**You must:**

- Enclose the in-running side of glue spreaders, leaving enough space to insert stock.
- Provide an emergency stop control, such as a panic bar or similar device, that can be reached from the infeed and outfeed sides of the spreader to shut off the power in an emergency.

**Note:** You may need two controls to reach the emergency stop control from both the infeed and outfeed sides.

**IRONWORKERS**NEW SECTION

**WAC 296-806-445 Summary.** This section applies to the hazards associated with hydraulic and mechanical ironworkers.

**Reference:**

- If you have multiple specific machines and operations in your workplace, you need to follow all requirements in WAC 296-806-400 that apply.
  - For example, if you use sanding machines and saws and cutting heads, you need to refer to both of these sections.
- In addition to the requirements in this section, you need to refer to the following sections of this chapter in order to fully protect your employees from machine hazards:
  - WAC 296-806-200, Requirements for all machines.
  - WAC 296-806-300, Requirements for machine parts.

**Your responsibility:**

To protect employees from hazards associated with ironworkers.

**You must:**

Safeguard ironworkers point of operation  
WAC 296-806-44502.

Follow these requirements for adjustable restrictors when safeguarding ironworkers  
WAC 296-806-44504.

**NEW SECTION****WAC 296-806-44502 Safeguard ironworkers point of operation.****You must:**

- Safeguard the different operating stations on ironworkers according to WAC 296-806-20042 through 296-806-20058, Requirements for all machines, safeguarding methods.

**Exemption:** If the point-of-operation opening is one-fourth inch or less, safeguarding is not required.

**NEW SECTION****WAC 296-806-44504 Follow these requirements for adjustable restrictors when safeguarding ironworkers.****You must:**

- Use adjustable restrictors for safeguarding only when guards, devices, or awareness barriers are not feasible.

**LATHES****NEW SECTION****WAC 296-806-450 Summary.** This section applies to the hazards associated with metal and woodworking lathes.

- Reference:**
- If you have multiple specific machines and operations in your workplace, you need to follow all requirements in WAC 296-806-400 that apply.
    - For example, if you use sanding machines and saws and cutting heads, you need to refer to both of these sections.
  - In addition to the requirements in this section, you need to refer to the following sections of this chapter in order to fully protect your employees from machine hazards:
    - WAC 296-806-200, Requirements for all machines.
    - WAC 296-806-300, Requirements for machine parts.

**Your responsibility:**

To protect employees from hazards associated with metal and woodworking lathes.

**METAL LATHES****You must:**

Provide shields or guards on metal lathes for chip or coolant hazards

WAC 296-806-45002.

Safeguard work-holding devices (chucks)

WAC 296-806-45004.

Follow these requirements for chip control and handling

WAC 296-806-45006.

Safeguard power-clamping devices

WAC 296-806-45008.

Restrain extended workpieces on horizontal lathes

WAC 296-806-45010.

**WOODWORKING LATHES**

Guard cutting heads on profile lathes and swing-head lathes

WAC 296-806-45012.

Guard cutting heads on turning lathes

WAC 296-806-45014.

Guard automatic turning lathes

WAC 296-806-45016.

Guard wood lathes used for turning long pieces of stock  
WAC 296-806-45018.

**METAL LATHES****NEW SECTION****WAC 296-806-45002 Provide shields or guards on metal lathes for chip or coolant hazards.****You must:**

- Provide a shield or other equally effective guard to prevent chips or coolant from being thrown or splashed on the operator, aisle, or other assigned work area, when exposed to these hazards.

- Examples of guards include permanent chip and coolant shields.

**NEW SECTION****WAC 296-806-45004 Safeguard work-holding devices (chucks).****You must:**

- Provide a fixed or movable guard, device, awareness barrier, or peripheral cover over areas exposed to the operator on work-holding devices or chucks when:

- It is in the clamped mode and has parts that extend beyond the outside diameter of the holding device.

- It has an irregular shape to the periphery of its body.

**NEW SECTION****WAC 296-806-45006 Follow these requirements for chip control and handling.****You must:**

- Make sure employees' hands do not contact chips that are being generated, such as long stringy chips.

**Note:** Chips may be removed by using things such as tools, pullers, brushes, and shovels.

**NEW SECTION****WAC 296-806-45008 Safeguard power-clamping devices.****You must:**

- Protect the operator from the hazards of thrown material when the clamping device does not have adequate pressure to hold the material.

**Note:**

- Examples of safeguarding methods include:
  - Interlocks.
  - Retaining covers:
    - That contain the workpiece if it falls or flies out from the clamped work-holding device.
  - Visual or audible warnings:
    - That are located so they can be seen or heard by the operator in the normal work area, making the operator aware that there is no pressure on the clamp side of the actuator.

**NEW SECTION****WAC 296-806-45010 Restrain extended workpieces on horizontal lathes.****You must:**

- Safeguard employees from the hazards of work pieces that extend beyond the edges of the horizontal lathe by:
  - Restraining work pieces as needed to prevent whipping
- AND
- Isolating work pieces with an awareness barrier, fixed or movable guard, or railing.

## WOODWORKING LATHES

### NEW SECTION

#### WAC 296-806-45012 Guard cutting heads on profile lathes and swing-head lathes.

##### You must:

- Cover all cutting heads on profile lathes, swing-head lathes, and heel-turning machines with a metal guard.
- Make sure guards are made of:
  - Sheet metal at least one-sixteenth inches thick.
  - Cast iron at least three-sixteenth inches thick.

### NEW SECTION

#### WAC 296-806-45014 Guard cutting heads on turning lathes.

##### You must:

- Install hoods or shields that cover as completely as possible all cutting heads, whether or not they rotate.

**Note:** The hood or shield should be hinged to the machine so it can be moved to make adjustments.

### NEW SECTION

#### WAC 296-806-45016 Guard automatic turning lathes.

##### You must:

- Install hoods that completely enclose the cutter blades, except at contact points where stock is being cut, on the following types of machines:
  - Shoe last and spoke lathes.
  - Doweling machines.
  - Heel-turning machines.
  - Automatic turning lathes with rotating knives.

### NEW SECTION

#### WAC 296-806-45018 Guard wood lathes used for turning long pieces of stock.

##### You must:

- Install long, curved guards extending over lathe tops where work pieces are held only between the two centers, to prevent stock from being thrown out of the machine.

## MECHANICAL POWER PRESSES

### NEW SECTION

**WAC 296-806-455 Summary.** This section applies to mechanically powered machines that transmit force to cut, form, or assemble metal or other materials through tools or dies attached to or operated by slides.

#### Exemption:

- This section does not apply to:
- Power press brakes.
  - Hydraulic power presses.
  - Pneumatic power presses.
  - Slow-acting horizontal mechanical presses with large beds (bulldozers).
  - Hot bending and hot metal presses.
  - Forging presses and hammers.
  - Riveting machines.
  - Cold headers and cold formers.
  - Eyelet machines.
  - High energy rate presses.
  - Ironworkers and detail punches.
  - Metal shears.
  - Powdered metal presses.
  - Press welders.
  - Turret and plate punching machines.
  - Wire termination machines.
  - Welding presses.

#### Reference:

- If you have multiple specific machines and operations in your workplace, you need to follow all requirements in WAC 296-806-400 that apply.
  - For example, if you use sanding machines and saws and cutting heads, you need to refer to both of these sections.
  - In addition to the requirements in this section, you need to refer to the following sections of this chapter in order to fully protect your employees from machine hazards:
    - WAC 296-806-200, Requirements for all machines.
    - WAC 296-806-300, Requirements for machine parts.
    - See WAC 296-806-430, Forging machines, for forging press and hammer requirements.
    - See WAC 296-806-445, Ironworkers, for requirements for ironworkers.
    - See WAC 296-806-465, Press brakes, for power press brake requirements.

#### Your responsibility:

To make sure mechanical power presses meet the requirements of this section.

#### You must:

##### Design and construction

Make sure mechanical power presses are properly designed and constructed  
WAC 296-806-45502.

##### Safeguarding

Safeguard presses that use unitized tooling  
WAC 296-806-45504.

Protect operators from guidepost hazards  
WAC 296-806-45506.

Safeguard the point of operation  
WAC 296-806-45508.

Make sure point-of-operation guards are properly designed and constructed  
WAC 296-806-45510.

Make sure barrier guards used to safeguard the point of operation meet these requirements  
WAC 296-806-45512.

Make sure point-of-operation devices are effective  
WAC 296-806-45514.

Make sure presence-sensing devices used to safeguard the point of operation meet these requirements  
WAC 296-806-45516.

Make sure pull-back devices used to safeguard the point of operation meet these requirements  
WAC 296-806-45518.

Make sure restraint (holdout) devices used to safeguard the point of operation meet these requirements

WAC 296-806-45520.

Make sure two-hand control devices used to safeguard the point of operation meet these requirements

WAC 296-806-45522.

Make sure two-hand trip devices used to safeguard the point of operation meet these requirements

WAC 296-806-45524.

Provide additional safeguards when the operator puts one or both hands into the point of operation

WAC 296-806-45526.

#### **Operations**

Establish a die setting procedure

WAC 296-806-45528.

Handle dies safely

WAC 296-806-45530.

Protect die setters during setup and tryout

WAC 296-806-45532.

Train press operators

WAC 296-806-45534.

Operate mechanical power presses safely

WAC 296-806-45536.

Provide tools and other means to protect press operators

WAC 296-806-45538.

Inspect and maintain presses

WAC 296-806-45540.

Make sure presses and operating practices used in the PSDI mode of operation meet these requirements

WAC 296-806-45542.

#### NEW SECTION

**WAC 296-806-45502 Make sure mechanical power presses are properly designed and constructed.**

##### **You must:**

- Make sure mechanical power presses manufactured before September 5, 2004, meet the requirements of American National Standards Institute (ANSI) B11.1-1971, Safety Requirements for the Construction, Care, and Use of Mechanical Power Presses.

- Make sure mechanical power presses manufactured, reconstructed, or modified on or after September 5, 2004, meet the requirements of ANSI B11.1-2001, Safety Requirements for Mechanical Power Presses.

#### NEW SECTION

**WAC 296-806-45504 Safeguard presses that use unitized tooling.**

##### **You must:**

- Safeguard the opening between the top of the punch holder and the face of the slide or striking pad by using properly installed, adjusted, and maintained guards or devices.

#### NEW SECTION

**WAC 296-806-45506 Protect operators from guide-post hazards.**

##### **You must:**

- Use properly installed, adjusted, and maintained guards or devices to protect operators from the hazards created by:
  - Guideposts separating from their bushings.
  - Similar pinch points between the slide (moving die) and fixed die or press attachments.

**Exemption:** This requirement does not apply if the opening is one-fourth inch or less, before use.

#### NEW SECTION

**WAC 296-806-45508 Safeguard the point of operation.**

##### **You must:**

- Protect employees from point-of-operation hazards by using properly installed, adjusted, and maintained guards or devices.

**Exemption:** This requirement does not apply if the point-of-operation opening is one-fourth inch or less.

**Note:**

- You may use a combination of guards and devices as long as employees are completely protected from point-of-operation hazards.

- Hand tools used for placing materials into the press, or removing them from the press, are not a substitute for point-of-operation guards or devices.

#### NEW SECTION

**WAC 296-806-45510 Make sure point-of-operation guards are properly designed and constructed.**

##### **You must:**

- Make sure each guard:
  - Prevents the operator's hands or other body parts from reaching through, over, under, or around the guard into the point of operation.

- Has no opening larger than the maximum permissible openings shown in Table 1, Largest Allowable Guard Openings.

- Does not create a pinch point between the guard and moving machine parts.

- Uses fasteners that cannot be easily removed by the operator.

- Is easy to inspect.

- Provides the best view of the point of operation for the type of work.

#### NEW SECTION

**WAC 296-806-45512 Make sure barrier guards meet these requirements.**

##### **You must:**

- Make sure a fixed barrier guard is attached to a fixed surface such as the stripper, die shoe, press frame, or bolster plate.

- Make sure the interlocked barrier guard:
  - Is attached to a fixed surface such as the press frame or bolster plate.

- Prevents cycling (stroking) of the press when the interlocked section of the guard is not in the protecting position.
- Cannot open until hazardous motion of the slide has stopped.

- Not use the hinged or movable sections of an interlocked barrier guard for manual feeding.

PROPOSED

- Make sure an adjustable barrier guard is:
  - Attached to a fixed surface such as the press frame, bolster plate, or die shoe.
  - Adjusted only by authorized persons who can apply Table 200-1, Largest Allowable Guard Openings, in WAC 296-806-20042.

**Reference:** See WAC 296-806-45526, Provide additional safeguards when the operator puts one or both hands into the point of operation, for additional safeguards that are required if the operator puts one or both hands into the point of operation to feed or remove parts, and the point of operation is protected by a Type B gate or movable barrier device.

**NEW SECTION**

**WAC 296-806-45514 Make sure point-of-operation devices are effective.**

**You must:**

- Make sure point-of-operation devices protect the operator from hazards as shown in Table 455-1, Point-of-Operation Devices.

**Table 455-1  
Point-of-Operation Devices**

Type of device	Type of operator protection that must be provided:
Presence-sensing device (part-revolution clutch press)	If the operator's hands or other body part are in the point of operation: <ul style="list-style-type: none"> <li>• Prevents initiating a press cycle (stroke);</li> </ul> OR <ul style="list-style-type: none"> <li>• Stops the press during the closing portion of the cycle (stroke)</li> </ul>
Presence-sensing device (full-revolution clutch press)	Do NOT use for point-of-operation safeguarding
Pull-back device	As the die closes: <ul style="list-style-type: none"> <li>• Withdraws the operator's hands if they are located in the point of operation;</li> </ul> OR <ul style="list-style-type: none"> <li>• Prevents the operator from reaching into the point of operation</li> </ul>
Restraint (holdout) device	Prevents the operator from reaching into the point of operation at all times
Two-hand control device Two-hand trip device	• Requires operators to use both hands to activate controls that are far enough away from the point of operation so the slide completes the closing portion of the cycle (stroke) or stops before they can reach into the point of operation
Type A gate or movable barrier device	Encloses the point of operation: <ul style="list-style-type: none"> <li>• Before a press cycle (stroke) can be initiated;</li> </ul> AND <ul style="list-style-type: none"> <li>• Remains closed until slide motion has stopped</li> </ul>

**Table 455-1  
Point-of-Operation Devices**

Type of device	Type of operator protection that must be provided:
Type B gate or movable barrier device	Encloses the point of operation: <ul style="list-style-type: none"> <li>• Before a press cycle (stroke) can be initiated;</li> </ul> AND <ul style="list-style-type: none"> <li>• Remains closed until slide motion has stopped during the closing portion of the cycle (stroke)</li> </ul>
Sweep device	Do NOT use for point-of-operation safeguarding

**NEW SECTION**

**WAC 296-806-45516 Make sure presence-sensing devices used to safeguard the point of operation meet these requirements.**

**You must:**

- Make sure the presence-sensing device is interlocked into the control circuit to prevent or stop slide motion if the operator's hand or other body part is within the sensing field of the device during the downstroke of the press slide.
  - Make sure muting of the device is done only during the upstroke of the press slide.
  - Make sure failure of any component of the device:
    - Does not prevent normal stopping action of the press.
    - Prevents initiation of another cycle (stroke) until corrected.
    - Is indicated by the system.
  - Use guards to protect all areas of entry to the point of operation not protected by the presence-sensing device.
  - Make sure the sensing field of the device is located farther from the point of operation than the minimum safety distance as determined by the following formula:

$$D = 63 \times T$$

**Where:**

**D = minimum safety distance (in inches)**

**T = stopping time of the press measured at approximately the 90 degree position of crankshaft rotation (in seconds)**

**Example:** The number in the formula represents the hand speed of the operator (sixty-three inches per second). If your press has a stopping time of one-half second (.5 second), the calculations would be:

$$D = 63 \times .5 = 31.5$$

The sensing field would need to be at least thirty-one and one-half inches from the point of operation.

**Reference:** See WAC 296-806-45526, Provide additional safeguards when the operator puts one or both hands into the point of operation while feeding or removing parts, for additional safeguards that are required if the operator puts one or both hands into the point of operation to feed or remove parts, and the point of operation is protected by a presence-sensing device.

**NEW SECTION**

**WAC 296-806-45518 Make sure pull-back devices used to safeguard the point of operation meet these requirements.**

**You must:**



- Make sure presses requiring more than one operator have a separate pull-back device for each operator.
- Make sure each pull-back device has attachments:
  - For each of the operator's hands.
  - That are connected to and operated only by the press slide or its attached die.
  - That are adjusted to either:
    - Prevent the operator from reaching into the point of operation;

OR

- Withdraw the operator's hands from the point of operation before the dies close.
  - Check each pull-back device that is being used for proper adjustment at these times:
    - At the start of each operator shift.
    - After a new die set-up.
    - When operators are changed.
  - Complete necessary maintenance or repair work before operating the press.

**Reference:** For recordkeeping requirements for maintenance or repair work, see WAC 296-806-45540, Inspect and maintain presses.

NEW SECTION

**WAC 296-806-45520 Make sure restraint (holdout) devices used to safeguard the point of operation meet these requirements.**

**You must:**

- Make sure presses requiring more than one operator have separate restraint devices for each operator.
- Make sure each restraint device has attachments:
  - For each of the operator's hands.
  - That are securely anchored.
  - That are adjusted so the operator cannot reach into the point of operation.

NEW SECTION

**WAC 296-806-45522 Make sure two-hand control devices used to safeguard the point of operation meet these requirements.**

**You must:**

- Make sure presses that require more than one operator:
  - Have separate two-hand controls for each operator.
  - Need concurrent application of all operators' controls to activate the slide.
- Make sure the slide stops if any operator's hand is removed from a control button.
- Make sure two-hand controls are fixed in position and can be moved only by authorized persons.
- Make sure the controls are located farther from the point of operation than the minimum safety distance as determined by the following formula:

$$D = 63 \times T$$

**Where:****D = minimum safety distance (in inches)****T = stopping time of the press measured at approximately the 90 degree position of crankshaft rotation (in seconds)**

**Example:** The number in the formula represents the hand speed of the operator (63 inches per second). If your press has a stopping time of one-half second (.5 second), the calculations would be:

$$D = 63 \times .5 = 31.5$$

The controls would need to be at least 31 1/2 inches from the point of operation.

**Reference:** See WAC 296-806-45526, Provide additional safeguards when the operator puts one or both hands into the point of operation, for additional required safeguards.

NEW SECTION

**WAC 296-806-45524 Make sure two-hand trip devices used to safeguard the point of operation meet these requirements.**

**You must:**

- Make sure presses requiring more than one operator:
  - Have separate two-hand trips for each operator.
  - Need concurrent application of all operators' controls to activate the slide.
- Make sure the two-hand trips are fixed in position and can be moved only by authorized persons.
- Make sure the controls are located farther from the point of operation than the minimum safety distance as determined by the following formula:

$$D = 63 \times T$$

**Where:****D = minimum safety distance (in inches)****T = the maximum time the press takes for the die to close after the press has been tripped (in seconds)**

**Example:** The number in the formula represents the hand speed of the operator (63 inches per second). If your press has a die closing time of one-half second (.5 second), the calculations would be:

$$D = 63 \times .5 = 31.5$$

The trip devices would need to be at least 31 1/2 inches from the point of operation.

NEW SECTION

**WAC 296-806-45526 Provide additional safeguards when the operator puts one or both hands into the point of operation.**

**IMPORTANT:**

This rule applies when the operator puts one or both hands into the point of operation to feed or remove parts, and the point of operation is protected by any of the following:

- Presence-sensing device.
- Two-hand control.
- Type B gate or movable barrier device.

**You must:**

- Make sure the press has both a:
  - Stopping-performance monitor (previously called brake-system monitor);

**AND**

- Control system that monitors the performance of safety-related functions (previously called control reliability).

- Make sure the stopping-performance monitor meets the requirements of:

- American National Standards Institute (ANSI) B11.1-1982, Mechanical Power Presses - Safety Requirements for

Construction, Care, and Use for presses manufactured **before** September 4, 2004.

– ANSI B11.1-2001, Safety Requirements for Mechanical Power Presses for presses manufactured **on or after** September 4, 2004.

• Make sure the control system monitors the performance of safety-related functions so that failure of any component in the control system:

- Does not prevent normal stopping action of the press.
- Prevents initiation of another cycle (stroke) until the failure is corrected.
- Can be detected by a simple test or is indicated by the control system.

**Exemption:** This requirement does not apply to control system components that do not affect protection from point-of-operation hazards.

**Definition:**

The control system includes the sensors, manual input and mode selection elements, interlocking and decision-making circuitry, and output elements of the press-operating devices and mechanisms.

NEW SECTION

**WAC 296-806-45528 Establish die setting procedures.**

**You must:**

- Develop and use procedures to protect employees from the hazards of die setting.
- Make sure die setters are provided with at least the following information:
  - Rated press capacity requirements for the die.
  - Weight of the upper die and other slide attachments required for job setup and setting counterbalance air pressure.
  - Total die weight.

**Note:** This information may be stamped on the die or kept in a file that is readily available to the die setters.

NEW SECTION

**WAC 296-806-45530 Handle dies safely.**

**You must:**

- Make sure dies requiring mechanical handling have handling equipment attachment points.
- Use die stops or other means to prevent losing control of the die while setting or removing dies from presses that are inclined.
- Make sure the upper and lower shoes will securely mount the die to the bolster and slide.
- Use additional means of securing the upper shoe to the slide where clamp caps or set screws are used in conjunction with punch stems.
- Make sure spring-loaded turnover bars are provided for presses designed to accept them.

NEW SECTION

**WAC 296-806-45532 Protect die setters during setup and tryout.**

**You must:**

(1) Use safety blocks when an employee has to put their hands or other body part into the point of operation to adjust or repair dies.

(2) Protect die setters doing die tryout from point-of-operation hazards by **at least one** of the following:

- Properly installed, adjusted, and maintained guards or devices.
- Proper use of INCH mode (part-revolution clutch press).
- Proper use of JOG mode (full-revolution clutch press).

NEW SECTION

**WAC 296-806-45534 Train press operators.**

**You must:**

- (1) Train operators to safely operate the press.
- (2) Make sure modified or reconstructed presses have instructions to establish new or changed guidelines for use and care of the press.

NEW SECTION

**WAC 296-806-45536 Operate mechanical power presses safely. You must:**

- Operate the press within the manufacturer's rated capacities.

**Note:** Rated capacities include, but are not limited to:

- Structural capacity.
- Torque capacity.
- Energy capacity.
- Thermal capacity.
- Attachment weight.
- Die shuheight.

NEW SECTION

**WAC 296-806-45538 Provide tools and other means to protect press operators.**

**You must:**

- Make sure hand tools are provided and used to free and remove workpieces or scrap stuck in the die.
- Provide means for handling scrap from roll feed or random length stock operations.
- Provide and use means to keep operators and die setters from reaching into the point of operation or other hazard area to lubricate material or die components.

**Note:** • Means for lubricating include, but are not limited to:

- Brushes.
- Swabs.
- Lubricating rolls.
- Manual spray systems.
- Automatic spray systems.
- Handles on brushes or swabs should be long enough to keep persons using them clear of the point of operation.

NEW SECTION

**WAC 296-806-45540 Inspect and maintain presses.**

**You must:**

- (1) Make sure maintenance personnel are trained and competent to inspect and maintain power presses.
- (2) Keep records of all maintenance or repair work.
- (3) Inspect and test the following press systems **at least weekly**:

- Clutch/brake mechanism.
- Antirepeat feature.
- Single stroke mechanism.
- Keep records of inspections and tests.

**Exemption:** You do not have to do weekly inspections if your press has both:

- Performance of safety-related functions monitoring (previously called control reliability);

AND

- A stopping-performance monitor (previously called brake-system monitor) does not require weekly inspections.

**Reference:** For requirements for these monitoring devices, see WAC 296-806-45526, Provide additional safeguards when the operator puts one or both hands into the point of operation.

### NEW SECTION

**WAC 296-806-45542 Make sure presses and operating practices used in the PSDI (presence sensing device initiation) mode of operation meet these requirements.**

**You must:**

- Make sure presses and operating practices used in the PSDI mode meet the requirements of 29 CFR 1910.217(h), Presence Sensing Device Initiation (PSDI).

**Note:** 29 CFR 1910.217(h) contains requirements for certification and validation of mechanical power presses used in the PSDI mode of operation.

## MILLS

### NEW SECTION

**WAC 296-806-460 Summary.** This section applies only to mills in the rubber and plastics industry that have in-running metal rolls that are set horizontally and run toward each other.

**Reference:**

- If you have multiple specific machines and operations in your workplace, you need to follow all requirements in WAC 296-806-400 that apply.
- For example, if you use sanding machines and saws and cutting heads, you need to refer to both of these sections.
- In addition to the requirements in this section, you need to refer to the following sections of this chapter in order to fully protect your employees from machine hazards:
  - WAC 296-806-200, Requirements for all machines.
  - WAC 296-806-300, Requirements for machine parts.

**Your responsibility:**

To protect employees from hazards associated with mills.

**You must:**

Meet height requirements for mill rolls

WAC 296-806-46002.

Provide mill safety controls

WAC 296-806-46004.

Follow these stopping limit requirements for mills

WAC 296-806-46006.

### NEW SECTION

**WAC 296-806-46002 Meet height requirements for mill rolls.**

**You must:**

- Make sure that the tops of mill rolls installed after August 27, 1971, are at least fifty inches above the working level where the operator stands.

– This distance applies to the actual working level, which could be:

- The general floor level.
- In a pit.
- On a platform.

### NEW SECTION

**WAC 296-806-46004 Provide mill safety controls.**

**Exemption:** These rules do not apply to mills if the machinery is permanently set up so employees:

- Cannot reach through, over, under, or around to come in contact with the roll bite;

OR

- Cannot be caught between a roll and nearby objects.

**You must:**

(1) Provide a safety trip control that is easy to reach, operates readily on contact, and is located in front and back of each mill. Each safety trip control must include at least one of the following:

- Pressure-sensitive body bars that:

– Are installed at the front and back of mills having a forty-six inch roll height or over.

– Operate readily on contact from the pressure of the mill operator's body.

- Safety trip rods that are:

– Installed in the front and back of each mill and located within two inches of the front and rear rolls.

– Installed so the top rods are no more than seventy-two inches above the level where the operator stands.

– Easy to reach and operate when the rods are pushed or pulled.

- Safety tripwire cables or wire center cords that are:

– Installed in the front and back of each mill.

– Located within two inches of the face of the rolls.

– Installed so that cables are no more than seventy-two inches above the level where the operator stands.

(2) Make sure that all auxiliary equipment such as mill dividers, support bars, spray pipes, feed conveyors, and strip knives do not interfere with safety devices.

### NEW SECTION

**WAC 296-806-46006 Follow these stopping limit requirements for mills.**

**You must:**

- Make sure that mills are stopped within one and one-half percent of the fastest speed at which they operate when empty.

– When mills operate at more than two hundred fifty feet per minute, stopping distances above one and one-half percent of their fastest speed are allowed, but must have engineering support.

**PRESS BRAKES****NEW SECTION**

**WAC 296-806-465 Summary.** This section applies to all machines classified as power press brakes. Power press brakes use a ram and bed to bend material.

- Reference:**
- If you have multiple specific machines and operations in your workplace, you need to follow all requirements in WAC 296-806-400 that apply.
    - For example, if you use sanding machines and saws and cutting heads, you need to refer to both of these sections.
  - In addition to the requirements in this section, you need to refer to the following sections of this chapter in order to fully protect your employees from machine hazards:
    - WAC 296-806-200, Requirements for all machines.
    - WAC 296-806-300, Requirements for machine parts.

**Your responsibility:**

To protect employees from hazards associated with power press brakes.

**You must:****General requirements for press brakes**

Provide auxiliary safety aids

WAC 296-806-46502.

Safeguard the point of operation on press brakes

WAC 296-806-46504.

**Safe distance safeguarding**

Follow this requirement when using safe distance safeguarding

WAC 296-806-46506.

Develop a safe distance safeguarding program

WAC 296-806-46508.

Follow these requirements for safe distance training

WAC 296-806-46510.

Require safe distance retraining

WAC 296-806-46512.

Conduct periodic safe distance inspections

WAC 296-806-46514.

Supervise the safe distance program

WAC 296-806-46516.

**NEW SECTION**

**WAC 296-806-46502 Provide auxiliary safety aids on press brakes.**

**IMPORTANT:**

This rule applies if the safeguarding method prevents the operator from holding the work piece during the closing of the stroke.

**You must:**

- Provide one of the following auxiliary safety aids that will allow operators to remove their hands from the work during the closing of the stroke:
  - Work supporting devices.
  - Magnetic material-position gages.

**NEW SECTION**

**WAC 296-806-46504 Safeguard the point of operation on press brakes.**

**You must:**

- Safeguard the point of operation on press brakes by at least one of the following:
  - Physical guards.
  - Devices.
  - One-quarter inch maximum die opening.
  - Safe distance safeguarding if **all** of the following apply:
    - Physical barriers and devices such as two-hand controls, holdouts, restraints, and presence sensors, are demonstrated to not be feasible.
    - This safeguarding method is only for one-time fabrication, custom made parts, or small quantity runs of no more than four hours per month.
    - A safety program is provided that includes safe work procedures, training, and supervision to make sure work is performed using safe distance measures.
    - There is no workplace record of injuries from failing to maintain a safe distance.

**NEW SECTION**

**WAC 296-806-46506 Follow this requirement when using safe distance safeguarding.**

**You must:**

- Make sure employees position themselves no closer than necessary and never closer than four inches from the power press brake point of operation.

**NEW SECTION**

**WAC 296-806-46508 Develop a safe distance safeguarding program for press brakes.**

**You must:**

- Develop, document, and use an effective safe distance safeguarding program.
  - Include methods for maintaining the minimum safe distance requirements of WAC 296-806-46506, Follow this requirement when using safe distance safeguarding.

**NEW SECTION**

**WAC 296-806-46510 Follow these requirements for safe distance training for press brakes.**

**You must:**

- (1) Train your employees in the safe distance safeguarding program and include **all** of the following:
  - The need for safety awareness between the power press brake operator and, when required, the helper.
  - The purpose and function of operating controls, operating mode controls, die space height adjustment positions, and other brake controls.
  - The hazards of placing any parts of the body into the point of operation.
  - The hazards related to each specific work piece bending operation.
  - The purpose and function of hand-feeding tools.

- The dangers of unsafe work practices, inattention, horseplay, and misuse of equipment.

- The importance of reporting unsafe conditions immediately to the supervisor.

(2) Make sure employees are proficient in safe distance safeguarding after training, and follow both:

- Safe-operating instructions and recommendations of power press brake manufacturers;

**AND**

- Industry-recognized safe working practices for power press brakes.

#### NEW SECTION

**WAC 296-806-46512 Require safe distance refresher training for press brake operations.**

**You must:**

(1) Require safe distance refresher training when employees either:

- Are seen operating the power press brake in an unsafe manner;

**OR**

- Fail to use safe distance procedures.

(2) Require safe distance refresher training when conditions in the workplace change that can affect safe operation of the power press brakes, such as introducing new or revised control methods and procedures.

#### NEW SECTION

**WAC 296-806-46514 Conduct periodic safe distance inspections on press brakes.**

**You must:**

(1) Conduct periodic inspections of safe distance procedures at least annually to make sure that established procedures are being followed.

(2) Make sure inspections are performed by a trained person who is **not** the person using the safe distance procedure.

(3) You must identify **all** of the following during safe distance procedure inspections:

- The date of the inspection.
- The person performing the inspection.
- The power press brake for which you are using the procedures.

- Any deviations or inadequacies with procedures and requirements.

- Joint reviews with each trained employee about their responsibilities under the safe distance program.

#### NEW SECTION

**WAC 296-806-46516 Supervise the safe distance program for press brakes.**

**You must:**

- Provide adequate supervision to make sure that:
  - Only trained employees operate power press brakes.
  - Employees use work practices learned in your training program.

- Periodic safe distance inspections are conducted as outlined in WAC 296-806-46514, Conduct periodic safe distance inspections on press brakes.

- Any deviations from, or inadequacies in, program procedures or work practices are promptly corrected.

- Designated safeguarding means are used, installed, and functioning properly.

- Recommended hand-feeding tools are used, when needed.

- To require retraining and other appropriate corrective action when necessary.

#### **ROLL-FORMING AND BENDING MACHINES**

#### NEW SECTION

**WAC 296-806-470 Summary.** This section applies to power driven roll-forming and bending machines that change the shape or the direction of materials by using rolls, rotary forming dies, and associated tooling.

**Reference:**

- If you have multiple specific machines and operations in your workplace, you need to follow all requirements in WAC 296-806-400 that apply.

- For example, if you use sanding machines and saws and cutting heads, you need to refer to both of these sections.

- In addition to the requirements in this section, you need to refer to the following sections of this chapter in order to fully protect your employees from machine hazards:

- WAC 296-806-200, Requirements for all machines.

- WAC 296-806-300, Requirements for machine parts.

**Your responsibility:**

To protect employees from hazards associated with roll-forming and bending machines.

**You must:**

Follow these requirements for machine initiation

WAC 296-806-47002.

Safeguard nip points on roll-forming and bending machines

WAC 296-806-47004.

#### NEW SECTION

**WAC 296-806-47002 Follow these requirements for machine initiation.**

**You must:**

- Make sure all of the following occur before starting machines:

- Select "normal" operation mode.

- Safeguards are in place and functioning.

- No workers are within the hazard zones.

- Other proper work practices are followed.

- Make sure in the "jog mode," the machine function is initiated by the operator either:

- During set-up;

**OR**

- By threading the material through the forming rolls.

- Make sure only assigned test employees perform machine testing and start-up.

PROPOSED

NEW SECTION

**WAC 296-806-47004 Safeguard nip points of roll-forming and bending machines.**

**You must:**

- Safeguard in-running nip points on roll-forming and bending machines with **at least one** of the following:
  - A point-of-operation guard or device.
  - An emergency stop device.
- An emergency stop device must be used when a point-of-operation guard or device is not feasible.

**SANDING MACHINES**

NEW SECTION

**WAC 296-806-475 Summary.** This section applies to sanding machines that remove material from stock with an abrasive sanding surface such as a belt, disk, or drum.

- Exemption:** This section does not apply to hand-held sanders.
- Reference:**
- If you have multiple specific machines and operations in your workplace, you need to follow all requirements in WAC 296-806-400 that apply.
    - For example, if you use sanding machines and saws and cutting heads, you need to refer to both of these sections.
  - In addition to the requirements in this section, you need to refer to the following sections of this chapter in order to fully protect your employees from machine hazards:
    - WAC 296-806-200, Requirements for all machines.
    - WAC 296-806-300, Requirements for machine parts.
  - See chapter 296-807 WAC, Portable power tools, for requirements that apply to hand-held sanders.

**Your responsibility:**

**To protect employees from hazards associated with drum, disk, and belt sanders.**

**You must:**

- Guard drum sanders  
WAC 296-806-47502.
- Guard disk sanders  
WAC 296-806-47504.
- Guard belt sanders  
WAC 296-806-47506.
- Follow these requirements for feed roll guarding  
WAC 296-806-47508.

NEW SECTION

**WAC 296-806-47502 Guard drum sanders.**

**You must:**

- Make sure drum sanders have one of the following to enclose that part of the drum not used to work on the material:
  - Guard.
  - Exhaust hood.

**Reference:** Exhaust hoods are required on sanders when dust levels exceed exposure limits. See WAC 296-62-075, Air contaminants.

**Exemption:** When a table is used for the application of material to be finished, you do not need to enclose the portion of the drum above the table.

NEW SECTION

**WAC 296-806-47504 Guard disk sanders.**

**You must:**

- Make sure disk sanders have an exhaust hood, when required, or a guard that encloses the part of the disk not used to work on the material.

**Exemption:** When a table is used for the application of material to be finished, you do not need to enclose the portion of the disk above the table.

NEW SECTION

**WAC 296-806-47506 Guard belt sanders.**

**You must:**

- Protect the operator by guarding:
  - Nip points where the sanding belt runs on the pulleys.
  - The unused run of the sanding belt.

NEW SECTION

**WAC 296-806-47508 Follow these requirements for feed roll guarding.**

**You must:**

- Make sure that feed rolls have a hood or guard to prevent the operator's hands from coming in contact with the in-running rolls at any point.
- Make sure that the guard meets **ALL** of the following:
  - Is constructed of heavy material, preferably metal.
  - The bottom of the guard comes down to within three-eighths inch of the plane formed by the bottom or working surfaces of the feed rolls.
- When the three-eighths inch distance is increased to three-quarters inch, the lead edge of the hood must be extended to five and one-half inches or more in front of the nip point between the front roll and the work.

**SAWS AND CUTTING HEADS**

NEW SECTION

**WAC 296-806-480 Summary.** This section applies to fixed machines using saws or cutting heads that are used on any material.

- Exemption:** This section does not apply to meat cutting saws.
- Reference:**
- If you have multiple specific machines and operations in your workplace, you need to follow all requirements in WAC 296-806-400 that apply.
    - For example, if you use sanding machines and saws and cutting heads, you need to refer to both of these sections.
  - In addition to the requirements in this section, you need to refer to the following sections of this chapter in order to fully protect your employees from machine hazards:
    - WAC 296-806-200, Requirements for all machines.
    - WAC 296-806-300, Requirements for machine parts.
  - See chapter 296-807 WAC, Portable power tools, for requirements that apply to handheld tools.

**Your responsibility:**

To make sure machines using saws and cutting heads meet these requirements.

PROPOSED

**You must:****GENERAL REQUIREMENTS FOR ALL SAWS AND CUTTING HEADS**

Protect employees using saws and cutting heads  
WAC 296-806-48002.

Make sure saws and cutting heads are sharpened and tensioned by qualified people  
WAC 296-806-48004.

**SAWS****General Requirements for All Saws**

Make sure saws are safe to use  
WAC 296-806-48006.

**Requirements for All Circular Saws**

Make sure all circular saws meet these requirements  
WAC 296-806-48008.

Make sure circular saw gages meet these requirements  
WAC 296-806-48010.

Guard hand-fed circular table saws  
WAC 296-806-48012.

Provide kickback protection for employees using hand-fed circular table rip-saws when ripping wood  
WAC 296-806-48014.

Safeguard self-feed circular saws  
WAC 296-806-48016.

Provide kickback protection for self-feed circular rip-saws when ripping wood  
WAC 296-806-48018.

Guard circular resaws  
WAC 296-806-48020.

Provide spreaders for circular resaws  
WAC 296-806-48022.

**Requirements for Specific Circular Saws**

Protect employees from automatic saw hazards  
WAC 296-806-48024.

Guard inverted swing (jump) saws  
WAC 296-806-48026.

Guard miter saws  
WAC 296-806-48028.

Guard radial saws  
WAC 296-806-48030.

Limit the travel of radial saws  
WAC 296-806-48032.

Provide kickback protection for radial saws used for ripping wood

WAC 296-806-48034.

Guard revolving double arbor saws  
WAC 296-806-48036.

Guard swing saws  
WAC 296-806-48038.

Limit the travel of swing saws  
WAC 296-806-48040.

**Requirements for Band Saws and Drag Saws**

Make sure bandsaws meet these requirements  
WAC 296-806-48042.

Protect employees from drag saw hazards  
WAC 296-806-48044.

**CUTTING HEADS****General Requirements for All Cutting Heads**

Maintain and balance knives and cutting heads  
WAC 296-806-48046.

**BORING AND MORTISING MACHINES**

Make sure boring and mortising machines meet these requirements

WAC 296-806-48048.

**CHIPPER AND HOG MILLS**

Follow these requirements for chipper mills

WAC 296-806-48050.

Follow these requirements for hog mills

WAC 296-806-48052.

Protect employees from falling into chipper and hog mills

WAC 296-806-48054.

**JOINTERS**

Make sure jointers with horizontal cutting heads meet these requirements

WAC 296-806-48056.

Guard horizontal cutting heads on hand-fed jointers

WAC 296-806-48058.

Guard vertical cutting heads on jointers

WAC 296-806-48060.

**MOLDING, STICKING AND MATCHING MACHINES**

Make sure molding, sticking and matching machines meet these requirements

WAC 296-806-48062.

**PANEL RAISERS AND OTHER SIMILAR MACHINES**

Guard hand-fed panel raisers and other similar machines

WAC 296-806-48064.

**PLANERS**

Make sure planers with a horizontal cutting head meet these requirements

WAC 296-806-48066.

Guard planers

WAC 296-806-48068.

Guard planer feed rolls

WAC 296-806-48070.

Provide kickback protection on planers running stock of varied thicknesses

WAC 296-806-48072.

**SHAPERS**

Make sure shapers meet these requirements

WAC 296-806-48074.

**TENONING MACHINES**

Guard tenoning machines feed chains and sprockets

WAC 296-806-48076.

Guard tenoning machines

WAC 296-806-48078.

**VENEER MACHINERY**

Guard veneer cutters and wringer knives

WAC 296-806-48080.

Guard veneer clippers

WAC 296-806-48082.

Follow these requirements for guarding guillotine cutters

WAC 296-806-48084.

Provide mechanisms to stop power-driven guillotine cutters

WAC 296-806-48086.

Prohibit riders on veneer slicer carriages

WAC 296-806-48088.

## GENERAL REQUIREMENTS FOR ALL SAWS AND CUTTING HEADS

### NEW SECTION

**WAC 296-806-48002 Protect employees using saws and cutting heads.**

**You must:**

- Provide types and sizes of push sticks or push blocks that are suitable for the work being done.
- Use a comb (featherboard) or a suitable jig to protect employees when a standard guard cannot be used.

**Note:** Operations where you may need a comb or jig include:

- Dadoing.
- Grooving.
- Jointing.
- Moulding.
- Rabbeting.

### NEW SECTION

**WAC 296-806-48004 Make sure saws and cutting heads are sharpened and tensioned by qualified people.**

**You must:**

- Make sure people who sharpen or tension saw blades or cutters have demonstrated skill in this area.

## SAWS

### General Requirements for All Saws

### NEW SECTION

**WAC 296-806-48006 Make sure saws are safe to use.**

**You must:**

- Immediately remove from service a saw that has any of the following problems:
  - Cracked.
  - Dull.
  - Badly set.
  - Improperly filed.
  - Improperly tensioned.
- Immediately clean any saw where gum has begun to stick on the sides.
  - Eliminate unintended fence and table movement during operation.
  - Keep hinged tables and fences firmly secured and in true alignment for all positions.

### Requirements for All Circular Saws

### NEW SECTION

**WAC 296-806-48008 Make sure all circular saws meet these requirements.**

**You must:**

- Protect employees from contacting the portion of the saw beneath or behind the table by covering it with either:
    - An exhaust hood, if one is required;
- OR**
- A guard.

- Prohibit workers from inserting wedges between the saw disk and the collar to form a wobble saw.

### NEW SECTION

**WAC 296-806-48010 Make sure circular saw gages meet these requirements.**

**You must:**

- Make sure circular saw gages slide in grooves or tracks that are accurately machined to maintain exact alignment with the saw for all positions of the guide.

**Note:** Circular saw gages are also referred to as miter or positioning gages.

### NEW SECTION

**WAC 296-806-48012 Safeguard hand-fed circular table saws. You must:**

- Guard each hand-fed circular saw with a hood that completely encloses both the portion of the saw that is above both:

- The table;

**AND**

- The material being cut.

- Make sure the hood is designed and constructed to do all of the following:

- Protect the operator from flying splinters and broken saw teeth.

- Strong enough to resist damage from reasonable operation, adjustments, and handling.

- Made of material soft enough to not break saw teeth.

**Note:** Hoods should be made of material that:

- Does not shatter when broken.
- Is not explosive.
- Is less combustible than wood.

**You must:**

- Mount the hood so it does all of the following:

- Operates positively and reliably.

- Maintains true alignment with the saw.

- Resists any side thrust or force that could throw it out of line.

- Make sure the hood:

- Allows the material to be inserted or sawed without any considerable resistance;

**AND**

- Does one of the following:

- Automatically remains in contact with the material being cut;

**OR**

- Is manually adjusted to within one-quarter inch of the material being cut.

**Exemption:** Saws may be guarded with a fixed enclosure, fixed barrier guard, or a manually adjusted guard when specific conditions prevent using a standard automatic adjusting guard. Alternative guards have to both:

- Provide protection equivalent to a standard automatic adjusting guard;

**AND**

- Be used according to the manufacturer's instructions with sufficient supervision to comply with this requirement.

PROPOSED



NEW SECTION

**WAC 296-806-48014 Provide kickback protection for employees using hand-fed circular table rip saws when ripping wood products.**

**Definition:**

- *Ripping* is a sawing operation made:
  - Through the thickness of the work piece with the grain of natural wood;
  - Along the long dimension of a rectangular work piece;
- AND**
- Usually parallel to that edge on reconstituted wood products.

This can also be described as cutting stock to width. Two or more pieces result from the operation.

**You must:**

- Provide a spreader or riving knife that is:
  - Made of hard-tempered steel or its equivalent.
  - Thinner than the saw kerf.
  - Wide enough to provide sufficient stiffness and rigidity to resist any reasonable side thrust or blow that could bend or throw it out of position.
  - Attached so it remains in true alignment with the saw when the saw or table is tilted.

- Note:**
- The spreader or riving knife should:
    - Prevent material from either squeezing the saw or being thrown back at the operator.
    - Be placed so there is one-half inch or less space between it and the back of the saw when the largest saw is mounted in the machine.

- Exemption:** You do not have to provide a spreader or riving knife when grooving, dadoing, or rabbeting. When you finish these operations, replace the spreader immediately.

**You must:**

- Provide nonkickback fingers or dogs that are:
  - Located so they prevent the saw from either picking up the material or throwing the material back towards the operator.
  - Designed to hold any thickness of material being cut.

- Note:** Kickbacks occur when a saw seizes the stock and hurls it back at the operator. This can happen when the stock twists and binds against the side of the blades or is caught in the teeth. Kickbacks occur more often when cutting parallel to the wood grain (ripping) than when cross cutting. Common contributors to kickbacks include:
- A blade that is not sharpened.
  - A blade set at an incorrect height.
  - Poor quality lumber, such as frozen lumber, lumber with many knots, or foreign objects, such as nails.

NEW SECTION

**WAC 296-806-48016 Safeguard self-feed circular saws.**

**You must:**

- Provide saws and feed rolls with a hood or guard to protect the operator from contacting the in-running rolls.
- Make sure the guard is constructed of heavy material, preferably metal.
- Make sure the distance between the bottom of the guard and the plane formed by the bottom or working surface of the feed rolls meets the requirements of Table 200-1, Largest Allowable Guard Opening, in WAC 296-806-20042.

NEW SECTION

**WAC 296-806-48018 Provide kickback protection for self-feed circular rip saws when ripping wood products.**

**You must:**

- Provide saws with sectional nonkickback fingers that meet **all** of the following requirements:
  - They cover the full width of the feed roll.
  - They are located in front of the saw.
  - They are arranged so they keep continuous contact with the material being fed.

NEW SECTION

**WAC 296-806-48020 Guard circular resaws.**

**You must:**

- Provide each circular resaw with a metal hood or shield that is:
  - Located above the saw.
  - Designed to protect the operator from flying splinters or broken saw teeth.

NEW SECTION

**WAC 296-806-48022 Provide spreaders for circular resaws.**

- Exemption:** This requirement does not apply to self-feed saws with a roller or wheel at the back of the saw.

**You must:**

- Provide a spreader that is **all** of the following:
  - Securely fastened behind the saw.
  - Slightly thinner than the saw kerf.
  - Slightly thicker than the saw disk.

**Requirements for Specific Circular Saws**NEW SECTION

**WAC 296-806-48024 Protect employees from automatic saw hazards.**

**You must:**

- Make sure automatic saws that stroke continuously without the operator controlling each stroke are **not** used where employees could be exposed to:
  - Saw hazards during operations such as loading, clamping, cutting, or unloading.

NEW SECTION

**WAC 296-806-48026 Guard inverted swing (jump) saws.**

**You must:**

- (1) Guard jump saws with a hood that both:
  - Covers the part of the saw that is exposed above the top of the table or above the material being cut;
- AND**
- Automatically adjusts to the thickness of the material being cut and remains in contact with it.
- (2) Provide a holding device that will prevent stock from moving while cutting materials.

(3) Provide warning signs, stickers, or placards when the pinching hazard created by the holding device cannot be eliminated by design.

(4) Provide the following for automatically fed jump saws.

- Place guards over the roller conveyor to prevent persons from walking into or over the saw.
- Enclose jump saws when below the table or roller conveyor and not in actual use.
- Install a positive stop to prevent the saw from passing the front edge of the roller conveyor or table.
- Make sure the throat in the table or roller conveyor is only wide enough to permit unobstructed operation of the saw.

**NEW SECTION**

**WAC 296-806-48028 Guard miter saws.**

**IMPORTANT:**

Miter saws include:

- Miter.
- Compound miter.
- Slide miter.
- Compound slide miter.

**You must:**

(1) Guard miter saws with an upper hood that completely encloses the upper half of the blade.

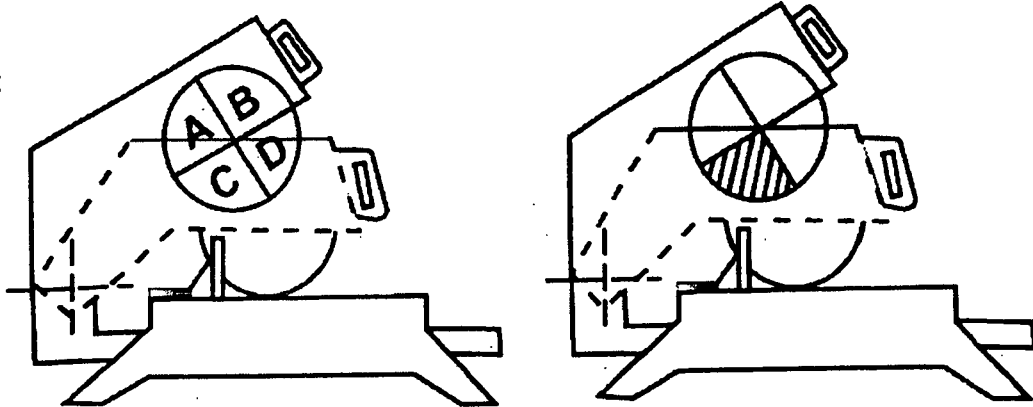
(2) Provide a method to protect employees from contacting the blade underneath the table while in its recommended carrying position.

(3) Guard the lower blade:

• Make sure the teeth are guarded at least three-quarters of an inch beyond the root of the teeth, toward the center of the blade, except for a maximum forty-five degree exposure of quadrant C when in the full retract position. See Illustration 480-1, Miter Saw Guarding.

• With a retractable guard that cannot be locked in any position.

**Illustration 480-1  
Miter Saw Guarding**



This illustration shows miter saws in full retract position, and quadrant C, where 45 degrees, or half of quadrant C may be exposed when in the full retract position.

**NEW SECTION**

**WAC 296-806-48030 Guard radial saws.**

**You must:**

- Make sure the radial saw has a hood that does **all** of the following:
  - Completely encloses the upper portion of the blade down to a point that includes the end of the saw arbor.
  - Protects the operator from flying splinters and broken saw teeth.
  - Deflects sawdust away from the operator.
- Provide a lower blade guard that does **all** of the following:
  - Guards the sides of the lower exposed portion of the blade to its full diameter.

- Automatically adjusts to the thickness of the stock being cut.
- Remains in contact with the stock to provide the maximum protection possible for the operation being performed.

**Exemption:**

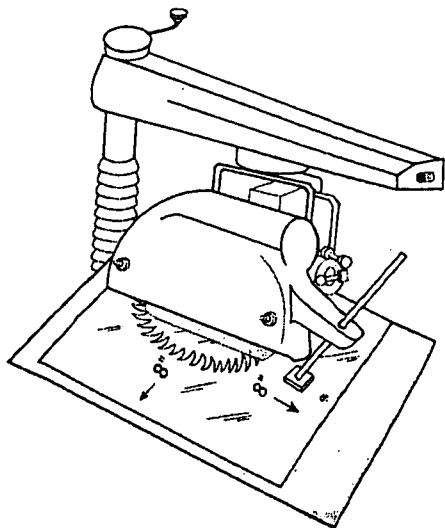
Saws may be guarded with a fixed enclosure, fixed barrier guard, or a manually adjusted guard when specific conditions prevent using a standard, automatic adjusting guard. Alternative guards have to both:

- Provide protection equivalent to a standard automatic adjusting guard;
- AND**
- Be used according to the manufacturer's instructions with sufficient supervision to meet this requirement.

PROPOSED

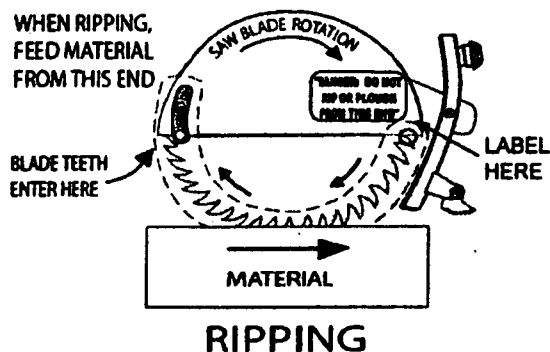
**Illustration 480-2  
Guard Radial Saws**

A manually adjusted awareness barrier guard that extends 8 inches to the front and sides of the blade.



- Make sure when ripping or ploughing that you feed the material from the end where the blade teeth enter the upper guard, which is against the direction in which the saw turns.
- Make sure the direction of saw rotation is clearly marked on the hood.
  - Fasten a permanent label at the rear of the guard hood, at about the level of the arbor, where the blade teeth exit the upper hood during saw operation that:
    - Reads, "DANGER: DO NOT RIP OR PLOUGH FROM THIS END."
    - Is colored standard danger red.
    - Is not less than one and one-half inches by three-quarters inch with standard proportional lettering.

**RIPPING WITH A RADIAL ARM SAW**



**Illustration 480-3**

Important requirements for ripping with a radial arm saw.

**NEW SECTION**

**WAC 296-806-48032 Limit the travel of radial saws.**

**You must:**

- Provide an adjustable stop that prevents:
  - Forward travel of the blade beyond the position necessary to complete the cut;

**AND**

- Any unguarded part of the saw blade from extending beyond the front edge of the work support table.
  - Install the saw so that the front end is slightly higher than the rear in order to cause the cutting head to return to the starting position when released by the operator.
  - Make sure the cutting head or carriage does all of the following:
    - Returns gently to the rest or starting position when released by the operator.
    - Does not bounce or recoil when reaching the rest or starting position.
    - Remains in the rest or starting position.

**NEW SECTION**

**WAC 296-806-48034 Provide kickback protection for radial saws used for ripping wood products.**

**You must:**

- Provide nonkickback fingers or dogs that are both:
    - Located on both sides of the saw to resist the tendency of the saw to pick up material or throw it back toward the operator;
- AND**
- Designed to hold any thickness of material being cut.

**NEW SECTION**

**WAC 296-806-48036 Guard revolving double arbor saws.**

**You must:**

- Guard each revolving double arbor saw with a hood that completely encloses the portion of the saw that is above both:

- The table;
- AND**
- The material being cut.

**Note:** Hoods should be made of material that:

- Does not shatter when broken.
- Is not explosive.
- Is less combustible than wood.

**NEW SECTION**

**WAC 296-806-48038 Guard swing saws.**

**IMPORTANT:**

This section applies to swing saws mounted above the table.

**You must:**

- Provide saws with a hood that encloses all of the following:
  - Upper half of the saw.
  - Arbor end.
  - Point of operation in all positions of the saw.

PROPOSED

- Make sure the hood protects operators from flying splinters and broken saw teeth.
- Make sure the lower blade guard will automatically cover the lower portion of the blade by dropping on top of and remaining in contact with the table or the material being cut.

**Exemption:** Saws may be guarded with a fixed enclosure, fixed barrier guard, or a manually adjusted guard when specific conditions prevent using a standard, automatic adjusting guard. Alternative guards have to:

- Provide the same level of protection as a standard automatic adjusting guard;

**AND**

- Be used according to the manufacturer's instructions with sufficient supervision to meet this requirement.

### NEW SECTION

#### **WAC 296-806-48040 Limit the travel of swing saws.**

##### **IMPORTANT:**

This section applies to swing saws that are mounted above the table.

##### **You must:**

- Provide saws with a device that:
    - Automatically returns the saw to the back of the table when the saw is released at any point in its travel.
    - Does not depend on a rope, cord, or spring to function properly.
  - Make sure devices that use a counterweight meets these requirements:
    - The bolts supporting the bar and the counterweight use cotter pins.
    - The counterweight is prevented from dropping by one of these methods:
      - A bolt passing through both the bar and the counterweight.
      - A bolt through the extreme end of the bar.
      - A safety chain to hold it to the bar if the counterweight does not completely encircle the bar.
    - Provide limit chains or another equally effective device to prevent the saw from swinging either:
      - Beyond the front or back edge of the table;
- OR**
- Forward to a position where the gullets of the lowest saw teeth will rise above the table top.

#### **Requirements for Band Saws and Drag Saws**

### NEW SECTION

**WAC 296-806-48042 Make sure band saws meet these requirements.**

##### **You must:**

- Enclose or guard all portions of the blade except for the working portion of the blade between the guide rolls and the table.
- Make sure the guard for the portion of the blade between the sliding guide and the wheel guard meets these requirements:
  - Protects the front and outer side of the blade.
  - Is self-adjusting to move with the guide.

- Adjusts so the gap between the guide rolls and stock is as small as is practical.
  - Fully enclose band saw wheels with wheel guards that meet **both** of the following requirements:
    - The outside periphery of the wheel enclosure is solid;
- AND**
- The front and back of the wheels are enclosed by solid material, wire mesh, or perforated metal.
  - Make sure the material used for wheel guards meets these requirements:
    - Wire mesh and perforated metal guards:
      - Are at least 0.037 inch (U.S. Gage No. 20) thick.
      - Have openings in them that are three-eighths inch or less.
    - Solid material has strength and firmness equivalent to a wire mesh or perforated steel guard.
    - Make sure band saws have a tension control device to indicate the proper tension for standard saws used on the machine.

### NEW SECTION

**WAC 296-806-48044 Protect employees from drag saw hazards. You must:**

- Protect employees passing near a drag saw by either:
    - Providing a four-foot clearance when the saw is at the extreme end of the stroke;
- OR**
- Enclosing the saw and its driving mechanism, if you cannot provide a four-foot clearance.

### **CUTTING HEADS**

#### **General Requirements for All Cutting Heads**

### NEW SECTION

**WAC 296-806-48046 Maintain and balance knives and cutting heads.**

##### **You must:**

- Make sure knives and cutting heads are kept:
  - Sharp.
  - Properly adjusted.
  - Firmly secured.
- Make sure knives are properly balanced when two or more are used in one cutting head.

### **BORING AND MORTISING MACHINES**

### NEW SECTION

**WAC 296-806-48048 Make sure boring and mortising machines meet these requirements.**

- Exemption:** This section does not apply to drill presses, boring machines, or mortising machines if both of the following apply:
- The downward stroke of the chuck and bit is controlled manually by the operator;
- AND**
- The chuck and bit automatically rises to the start position when control is released.

**You must:**

- Completely enclose universal joints on spindles of boring machines to prevent accidental contact by the operator.
- Make sure you do not use safety bit chucks that have projecting set screws.
- Enclose the top of the cutting chain and driving mechanism.
- Prevent a counterweight, when used, from dropping by one of the following, or an equivalent method:
  - Securing it to a bar by one of the following:
    - A bolt passing through both the bar and the counterweight.
    - A bolt through the extreme end of the bar.
    - A safety chain to hold it to the bar if the counterweight does not completely encircle the bar;

**OR**

- Suspending it by a chain or wire rope and having it travel in a pipe or other suitable enclosure if it could fall and injure an employee.

**Note:** Boring bits should be provided with a guard that will enclose all portions of the bit and chuck above the material being worked.

**CHIPPER AND HOG MILLS****NEW SECTION**

**WAC 296-806-48050 Follow these requirements for chipper mills.**

**Exemption:** This section does not apply to mobile chippers.

**Reference:** Safety requirements for mobile chippers can be found in ANSI Z133.1-2000, Pruning, Repairing, Maintaining and Removing Trees and Cutting Brush, section 9.6.

**You must:**

- (1) Arrange the feed system so the operator does not stand in direct line with the chipper blades or spout (hopper).
- (2) Protect the operator from chips or chunks being thrown out while feeding the machine.
- (3) Enclose the chipper spout to a height or distance of at least forty inches from the floor or the operator's station, whichever is higher.
- (4) Provide a mirror or other device to allow monitoring of material when the operator cannot readily observe the material being fed into the chipper.

**NEW SECTION**

**WAC 296-806-48052 Follow these requirements for hog mills. You must:**

- (1) Make sure that feed chutes are at least forty inches from the knives or feed roll.
- (2) Provide baffles or other suitable safeguards to prevent material from being thrown from the hog mill.

**NEW SECTION**

**WAC 296-806-48054 Protect employees from falling into chipper and hog mills.**

**You must:**

- Protect employees working near the feed openings of chipper and hog mills from falling into the openings by providing **at least one** of the following:
  - A safety belt (or harness) and a lifeline short enough to prevent workers from falling into the mill.
  - Barriers or other types of protective guarding.

**Reference:** See WAC 296-24-75011, Railing, toeboards and cover specifications for requirements on guardrails used as barriers.

**JOINTERS****NEW SECTION**

**WAC 296-806-48056 Make sure jointers with horizontal cutting heads meet these requirements.**

**You must:**

- Make sure the cutting head on hand-fed jointers is cylindrical:
  - Install and adjust the knife blade so it does not protrude more than one-eighth inch beyond the body of the head.
  - Make sure the opening in the table meets **all** of the following:
    - Is kept as small as possible.
    - The clearance between the edge of the rear table and the cutting head is not more than one-eighth inch.
    - The table throat opening is not more than two and one-half inches when the tables are set or aligned with each other for zero cut.

**NEW SECTION**

**WAC 296-806-48058 Guard horizontal cutting heads on hand-fed jointers.**

**You must:**

- Provide jointers with an automatic guard on the working side of the fence or gage that does **all** of the following:
  - Covers all sections of the head.
  - Effectively keeps the operator's hand from contacting the revolving knives.
  - Automatically adjusts to cover the unused portion of the head.
  - Remains in contact with the material at all times.
- Provide jointers with a guard that covers the section of the head behind the gage or fence.

**NEW SECTION**

**WAC 296-806-48060 Guard vertical cutting heads on jointers. You must:**

- Provide each jointer that has a vertical cutting head with protection that:
  - Encloses the revolving head leaving a slot wide enough for the material being jointed by an exhaust hood or other type of guard.

## MOLDING, STICKING AND MATCHING MACHINES

### NEW SECTION

**WAC 296-806-48062** Make sure molding, sticking and matching machines meet these requirements.

**You must:**

- Make sure all cutting heads, and saws if used, are covered by a guard that:
    - Is metal.
    - Forms all or part of the exhaust hood if an exhaust system is used.
  - Make sure a guard constructed from:
    - Sheet metal is at least one-sixteenth inch thick.
    - Cast iron is at least three-sixteenths inch thick.
  - Make sure feed rolls are guarded by a hood or other suitable guard that both:
    - Prevents the operator's hand from contacting the in-running rolls at any point;
- AND**
- Is attached to the frame carrying the rolls so it adjusts for any thickness of stock.

## PANEL RAISERS AND OTHER SIMILAR MACHINES

### NEW SECTION

**WAC 296-806-48064** Guard hand-fed panel raisers and other similar machines.

**You must:**

- Guard the cutting heads of hand-fed panel raisers and other similar machines by enclosing the cutting head with either:
    - A fixed guard such as a cage;
- OR**
- An adjustable guard designed to keep the operator's hand away from the cutting edge.

## PLANERS

### NEW SECTION

**WAC 296-806-48066** Make sure planers with a horizontal cutting head meet these requirements.

**You must:**

- Make sure the cutting head on hand-fed planers is cylindrical.
  - Install and adjust the knife blade so it does not extend more than one-eighth inch beyond the body of the head.

### NEW SECTION

**WAC 296-806-48068** Guard planers.

**You must:**

- Make sure all cutting heads, and saws if used, are covered by a guard that:
  - Is metal.
  - Forms all or part of the exhaust hood if an exhaust system is used.

- Make sure a guard constructed from:
  - Sheet metal is at least one-sixteenth inch thick.
  - Cast iron is at least three-sixteenths inch thick.

### NEW SECTION

**WAC 296-806-48070** Guard planer feed rolls.

**You must:**

- Make sure feed rolls are guarded by a hood or other suitable guard that:
  - Prevents the operator's hand from contacting the in-running rolls at any point.
  - Is attached to the frame carrying the rolls so it remains in adjustment for any thickness of stock.

### NEW SECTION

**WAC 296-806-48072** Provide kickback protection on planers running stock of varied thicknesses.

**You must:**

- Provide kickback protection on planers running stock of varied thicknesses at the same time by providing either:
    - Sectional feed rolls that provide feeding contact pressure on the stock;
- OR**
- Suitable nonkickback fingers at the infeed end of each section.

**Note:** The sectional feed rolls need to have sufficient yield in their construction to provide contact pressure on:  
– Any thickness of stock the machine is capable of processing.

## SHAPERS

### NEW SECTION

**WAC 296-806-48074** Make sure shapers meet these requirements.

**You must:**

- Guard the cutting head of the shaper by enclosing it with either:
    - A fixed guard, such as a cage;
- OR**
- An adjustable guard designed to keep the operator's hand away from the cutting edge.
- Make sure the diameter of a circular shaper guard is at least as large as the greatest diameter of the cutter.

**Note:** A warning device of leather or other material attached to the spindle is NOT an acceptable substitute for a guard.

**You must:**

- Guard all sections of the cutting tool except for an opening to allow access to the work piece by the cutting tool.

**Note:** A ring guard is one means of satisfying the guarding requirement for cutting tools when involved in free hand or template shaping.

**You must:**

- Make sure all double-spindle shapers have a spindle starting and stopping device for each spindle.

**TENONING MACHINES**NEW SECTION**WAC 296-806-48076 Guard tenoning machine feed chains and sprockets.****You must:**

- Guard feed chains and sprockets of all double-end tenoning machines by completely enclosing both of the following:

- All sprockets;

**AND**

- Portions of the chain that are not used for conveying stock.

NEW SECTION**WAC 296-806-48078 Guard tenoning machines.****You must:**

- Make sure all cutting heads, and saws if used, are covered by a metal guard that:

- Covers at least the unused part of the periphery of the cutting head.

- Forms all or part of the exhaust hood if an exhaust system is used.

- Make sure a guard constructed from:

- Sheet metal is at least one-sixteenth inch thick.

- Cast iron is at least three-sixteenths inch thick.

**VENEER MACHINES**NEW SECTION**WAC 296-806-48080 Guard veneer cutters and wringer knives.****You must:**

- Provide guards to prevent accidental contact with the front or rear knife edge.

NEW SECTION**WAC 296-806-48082 Guard veneer clippers.****You must:**

- Make sure employees do not accidentally contact the knife edge of veneer clippers by providing either:

- An automatic feed;

**OR**

- Guarding at both the front and rear of the clippers.

NEW SECTION**WAC 296-806-48084 Follow these requirements for guarding guillotine cutters.**

**Exemption:** These requirements do not apply to continuous-feed trimmers.

**You must:**

- (1) Provide one of the following to hand and foot powered guillotine cutters, so employees' hands cannot reach the cutting edge of the knife:

- Rods.

- Plates.

- Other satisfactory means of protection such as those outlined in WAC 296-806-20042 through 296-806-20058, Safeguarding methods.

- (2) Provide power-driven guillotine veneer cutters with either of the following:

- Starting devices for each operator that require all of the following:

- Both hands activating controls at the same time to start the cutting motion;

- At least one hand on a control during the complete stroke of the knife;

**OR**

- An automatic guard that does all of the following:

- Keeps the hands of the operator away from the danger zone every time the blade comes down.

- Is used in combination with one-handed starting devices that require two separate movements of the device to start the cutting motion.

- Is designed to return positively to the nonstarting position after each complete cycle of the knife.

NEW SECTION**WAC 296-806-48086 Provide mechanisms to stop power-driven guillotine cutters.**

**Exemption:** This requirement does not apply to continuous-feed trimmers.

**You must:**

- Provide power-driven guillotine cutters with both:

- Brakes or other stopping mechanism;

**AND**

- An emergency device that will prevent the machine from operating if the brake fails when the starting mechanism is in the nonstarting position.

NEW SECTION**WAC 296-806-48088 Prohibit riders on veneer slicer carriages.****You must:**

- Prohibit employees from riding on veneer slicer carriages.

**SEWING MACHINES**NEW SECTION

**WAC 296-806-485 Summary.** This section applies to the hazards of needle injuries from domestic or light duty sewing machines.

**Reference:**

- If you have multiple specific machines and operations in your workplace, you need to follow all requirements in WAC 296-806-400 that apply.
- For example, if you use sanding machines and saws and cutting heads, you need to refer to both of these sections.

- In addition to the requirements in this section, you need to refer to the following sections of this chapter in order to fully protect your employees from machine hazards:

- WAC 296-806-200, Requirements for all machines.

- WAC 296-806-300, Requirements for machine parts.

**Your responsibility:**

To protect employees from hazards associated with sewing machines.

**You must:**

Guard sewing machine needles  
WAC 296-806-48502.

**NEW SECTION****WAC 296-806-48502 Guard sewing machine needles.**

**Exemption:** This section does not apply to domestic-type sewing machines having a presser-foot that is in the "down" position during operation of the machine.

**You must:**

- Provide a permanently attached guard on each sewing machine that:
  - Prevents the operator's fingers from passing under the needle.
  - Allows the needle to be conveniently threaded without removing the guard.

**Reference:** Specific requirements for safeguarding sewing machine belts can be found in WAC 296-806-30004, Safeguard belt and rope drives.

**NEW SECTION****WAC 296-806-500 Definitions.****Abrasive wheel**

A grinding tool consisting of bonded abrasive grains. This includes diamond and reinforced wheels.

**Adjustable barrier guard**

A barrier guard with provisions for adjustment to accommodate various jobs or tooling set-ups.

**Air-lift hammer**

A type of gravity drop hammer in which the ram is raised for each stroke by an air cylinder. Because the length of stroke can be controlled, ram velocity, and therefore the energy delivered to the work piece, can be varied. *See also drop hammer and gravity hammer.*

**Antirepeat**

A device that limits the machine to a single stroke if the activating means is held in the operative position.

**Arbor**

A rotating shaft used for mounting and transmitting torque to a cutting tool.

**Authorized person**

Someone the employer has given the authority and responsibility to perform a specific assignment.

**Awareness barrier**

A barrier device that allows more access to the hazard area, but still restricts access enough to warn of an approaching hazard.

**Barricade**

A barrier such as a guardrail, fence, or other framework designed to prevent employee access and exposure to a hazard.

**Barrier guard**

A barrier that provides a physical restriction from a hazard.

**Belt conveyors**

An endless belt of any material, operating over suitable pulleys to move materials placed on the belt.

**Belt pole**

A device used in shifting belts on and off fixed pulleys on line or countershaft where there are no loose pulleys. Belt poles are sometimes called "belt shippers" or "shipper poles."

**Belt shifter**

A device for mechanically shifting belts from tight to loose idler pulleys or vice versa, or for shifting belts on cones of speed pulleys.

**Bench grinder**

A bench mounted off-hand grinding machine with either one or two wheels mounted on a horizontal spindle.

**Bending**

The application of stress concentrated at specific points to permanently turn, press or force from a straight, level or flat condition to a curved or angular configuration.

**Blade**

A replaceable tool having one or more cutting edges for shearing, notching or coping.

**Blanking**

To bypass a portion of the sensing field of a presence-sensing device. The purpose is to allow objects such as tooling, feed stock, and work pieces to pass through the sensing field without sending a stop signal to the controlled machine. There are two blanking modes: Fixed and floating.

**Blind hole**

A hole drilled in an object, such as an abrasive wheel, that does not go all the way through the object.

**Blotter**

A compressible disc or washer, usually of blotting paper, plastic, cardboard, or gasket material, that is used between the wheel and the flanges to evenly distribute flange pressure on the wheel.

**Board hammer**

A type of gravity drop hammer where wood boards attached to the ram are raised vertically by action of contrarotating rolls, and then released. Energy for forging is obtained by the mass and velocity of the freely falling ram and the attached upper die. *See also drop hammers.*

**Bolster plate**

Plate attached to the press bed having holes, T-slots, or other means for attaching the lower die or die shoe.

**Brake**

Mechanism for stopping or preventing motion.

**Chain conveyor**

A conveyor in which one or more chains (including those with paddles or bars attached to them) move the conveyor. Specific examples of chain conveyors include drag, rolling, pusher bar, pusher chain and sliding chain conveyors.

**Channel blanking**

A feature that allows a safety light curtain system to be programmed to ignore objects. Also called "fixed blanking."

**Chipper**

A machine that cuts material into chips.

**Chuck**

A revolving clamp-like device used for holding and driving the work piece.



**Clutch**

A mechanism to couple the flywheel to the crankshaft. When engaged, it allows the driving force to be transmitted to the press slide.

**Comb**

See feather board.

**Concurrent**

Occurring at the same time.

**Cone pulley**

A pulley having two or more steps in a conical shape for driving machinery.

**Cone and plug wheels (Types 16, 17, 18, 18R, and 19)**

Abrasive wheels manufactured with blind hole threaded bushings. They may be used on all surfaces except the flat mounting surface. Specific characteristics of the different cone and plug wheels are:

- Type 16 cones have a curved side with a nose radius.
- Type 17 cones have straight sides with or without a nose radius.
- Type 18 and 18R plug wheels are cylindrical in shape with either a square or curved grinding end.
- Type 19 cone wheels are a combination of cone and plug shapes.

**Control system**

Sensors, manual input and mode selection elements, interlocking and decision-making circuitry, and output elements of the press-operating devices and mechanisms.

**Coping-notching**

Where the edge or periphery of the work piece is sheared.

**Counterbalance**

Mechanism used to balance or support the weight of the connecting rods, slide, and slide attachments.

**Cutting-off wheels**

Abrasive wheels used to cut material such as masonry, pipe, etc.

**Cutting tool or saw blade**

A tool used on a metal sawing machine.

**Cycle**

The complete movement of the ram from its starting position and return to that same starting position.

**Dado**

A straight-sided groove, perpendicular to the face of the work piece, having a width greater than the thickness of a single saw blade.

**Device**

A control or attachment that is any of the following:

- Restrains the operator from inadvertently reaching into the hazardous area.
- Prevents normal or hazardous operation if any part of an individual's body is inadvertently within the hazardous area.
- Automatically withdraws the operator's hands, if the operator's hands are inadvertently within the hazardous area during the hazardous portion of the machine cycle.
- Maintains the operator or the operator's hands during the hazardous portion of the machine cycle at a safe distance from the hazardous area.

**Die or dies**

Tooling used in a press for shearing, punching, forming, drawing, or assembling metal or other material.

**Die enclosure guard**

Guard attached to the die shoe or stripper in a fixed position.

**Die setter**

A person who installs or removes dies from the press, and makes the necessary adjustments so the tooling functions properly and safely.

**Die setting**

Process of installing or removing dies, and adjusting the dies, other tooling and the safeguarding guards or devices.

**Die shoe**

Plate or block that a die holder is mounted on. It functions primarily as a base for the complete die assembly and, if used, is bolted or clamped to the bolster plate or the face of the slide.

**Die shutheight**

Actual or design dimension between the mounting surfaces of a die.

**Divider**

A machine that mechanically divides the dough into pieces of predetermined volume or weight.

**Dough sheeter**

See sheeter.

**Dressed**

When material is removed from the cutting surfaces of an abrasive wheel to expose new sharp cutting surfaces.

**Drilling/boring machine**

A single or multiple spindle machine that uses a rotating cylindrical tool such as a drill, a counterboring tool, and similar tools to produce a hole, blind hole, counterbore, counter-sink, and similar cavities in work pieces. A work support means is provided to feed the tool into the work piece or the work piece into the tool.

**Dross**

Waste product or impurities formed on the surface of molten metal.

**Dump bin and blender**

That part of the flour handling system where the containers of flour are emptied.

**Face of the slide**

Surface of the slide to which the punch or upper die is generally attached.

**Feather board/comb**

A work-guiding and hold-down device consisting of stock with a series of spring-like fingers along the edge, set and positioned at an angle to the work piece.

**Feeding**

Placing material in or removing it from the point of operation.

**Fence**

A device used to locate and guide a work piece relative to the cutting tool.

**Fixed barricade**

A guard attached to a fixed surface used to enclose a hazardous area and prevent employees from placing any part or their body into the point of operation.

**Fixed barrier guard**

A guard attached to the frame, bolster, or other surface to enclose all or part of the point of operation or other hazard area.

**Fixed blade**

A stationary blade having one or more cutting edges.

**Fixed blanking**

A feature that allows a safety light curtain system to be programmed to ignore objects. Also called "channel blanking."

**Fixture/jig**

A device used to locate, hold, or clamp one or more work pieces in a desired position.

**Flanges**

Collars, discs, or plates between or against which wheels are mounted. There are four types of flanges:

- Adaptor.
- Sleeve.
- Straight relieved.
- Straight unrelieved.

**Floating blanking (floating window)**

A feature that allows a safety light curtain system to be programmed to ignore the interruption of one or two beams within the light curtain. This allows the feeding of an object through the defined area at any point along the length of the curtain without causing it to produce a stop signal.

**Floorstand grinder**

A floor mounted, off-hand grinding machine with one or two wheels mounted on a horizontal spindle. The wheels are normally twenty-four inches or thirty inches in diameter and used for snagging operations.

**Forging**

Metal formed to a desired shape by impact or pressure in hammers, forging machines (upsetters), presses, rolls, and related forming equipment. Forging hammers, counterblow equipment, and high-energy-rate forging machines impart impact to the work piece, while most other types of forging equipment impart squeeze pressure in shaping the stock. Some metals can be forged at room temperature, but the majority of metals are made more plastic for forging with heat. Forged or drop forged parts are much stronger than poured or cast parts from foundries.

**Forging presses**

A class of forging equipment where the shaping of metal between dies is performed by mechanical or hydraulic pressure and usually is accomplished with a single workstroke of the press for each die station.

**Full revolution clutch**

Type of clutch that, when engaged, cannot be disengaged until the press has completed a single cycle (stroke).

**Gage**

See miter gage.

**Gap (throat)**

An opening or recess in the frame of the machine to permit positioning of material or work pieces.

**Gate or movable barrier device**

Safeguarding device that encloses the point of operation before press motion can be initiated.

**Guard (abrasive wheels)**

An enclosure designed to restrain the pieces of an abrasive wheel and furnish protection to the operator if the wheel is broken during operation.

**Guard**

A barrier that does at least one of the following:

- Prevents the hands or other body part from reaching through, over, under, or around the guard into the hazard area.
- Prevents objects or debris from falling onto or being ejected towards an employee.

**Guidepost**

The pin attached to the upper or lower die shoe. It operates within the bushing on the opposing die shoe to maintain the alignment of the upper and lower dies.

**Hazard**

A condition that could cause physical harm to a person.

**Hazard area**

An area or space that poses an immediate or impending physical hazard.

**Hog**

A machine used for cutting or grinding slabs and other coarse residue from the mill.

**Horizontal lathe**

A turning machine in which the work piece revolves about a horizontal axis. While the work is revolving, it is being shaped by cutting tools working either parallel to the axis of the work or at an angle to the axis of the work.

**Idler (pulley)**

A pulley or roller on a shaft that presses against or rests on a drive belt to guide it or take up slack.

**Inch**

Die setting mode that engages the driving clutch so a small portion of one cycle (stroke) occurs, depending upon the length of time the operator control is held actuated.

**Indirect recirculating ovens**

Ovens that are equipped with a gas-tight duct system, a furnace, and a circulating fan. Combustion gases are circulated through this enclosed system and mixed with fresh combustion gases generated by the burner in the combustion chamber. A vent or overflow removes a portion of the gases to make room for the fresh gases added by the burner. No unburned gases or products of combustion enter the baking chamber.

**Interlocked barrier guard**

Barrier attached to the press frame and interlocked with the press control system so the press stroke cannot be started normally unless the guard, or its hinged or movable sections, enclose the point of operation.

**Inverted swing and jump saws**

Saws with a saw blade starting position below the table, where the blade must travel through the horizontal plane of the tabletop to make the cut on the stock.

**Ironworker**

A machine with multiple workstations at which various operations may be performed singly or simultaneously, including but not limited to:

- Punching;
- Shearing;
- Notching;

- Coping; and

- Forming.

**Jig**

See **fixture**.

**Jog**

Die setting mode where intermittent motion is imparted to the slide by momentary operation of the drive motor after the flywheel is at rest and the clutch is engaged.

**Jointer**

A machine that has a cylindrical cutter head with more than one knife or cutting edge. It has an adjustable in-feed means of work support, or an adjustable cutter head or knives, as well as a fence or other work piece guide.

**Jump saw**

A machine that utilizes a means of work support and hold down, and has a powered arbor on an arm that pivots about a point located behind the saw arbor at approximately the same height. At rest position the saw blade is below the work piece. See **inverted swing and jump saws**.

**Kerf**

The slot made by a saw blade as it saws through a work piece.

**Kickback**

The uncontrolled propulsion or self-feed type action of a work piece in the direction of the rotation or travel of the working portion of the saw, cutting tool, sanding belt, or sanding head.

**Live roller conveyor**

A series of rollers with objects moving over them through power to all or some of the rollers. The power is usually transmitted by a belt or chain.

**Mandrel**

Tooling or a machine component used to provide internal support. It can be a spindle or shaft on which a tool is mounted, such as a drill bit.

**Manlift**

A device consisting of a power-driven endless belt moving in one direction only, and provided with steps or platforms and handholds attached to it for the transportation of personnel from floor to floor.

**Manual feeding**

The operator puts material or the part being processed into the press for each cycle (stroke).

**Maximum exposure angle**

The largest part of a wheel that does not need to be covered by a safety guard.

**Miter gage**

A device used as a work piece pusher, guided by a table groove.

**Miter saw**

A cutoff saw with a means of work support. It utilizes a powered arbor on an arm that pivots about a point located behind the saw arbor at approximately the same height. The saw arbor may also slide vertically. In the at-rest position, the saw blade is above the maximum capacity work piece.

**Mode**

The state or condition of the control system that allows specific operations of the machine.

**Modified Types 6 and 11 wheels (terrazzo)**

Similar to Type 6 "straight cup" wheels and Type 11 "flaring cup" wheels except for the bottom of the cup. The bottom of the cup is flat in Type 6 and 11 wheels. The modified wheels have bottoms that are sloped downwards towards the mounting hole. These modified wheels need to be mounted using a special tapered flange furnished by the tool manufacturer. These wheels are used in the terrazzo trade.

**Molding machine**

A machine that uses more than one arbor-mounted cylindrical, rotating cutting tool. It also uses power feeding, where once a work piece is engaged, it carries the work piece linearly through the balance of the intended operations, without further operator action. Operations can be performed on all surfaces of a work piece. Work pieces can be hopper- or hand-loaded and are fed ribbon-style into the machine.

**Mortiser**

A machine designed to produce a square or rectangular cavity through use of a moving, forming, or reciprocating tool. Means are provided to clamp and support the stock, and either move the stock into the tool or the tool into the stock.

**Moulder**

A machine in which the dough pieces are shaped and formed prior to final proofing.

**Mounted wheels**

Bonded abrasive wheels of various shapes, usually two inches diameter or smaller, that are secured to plain or threaded steel shafts or mandrels.

**Movable barrier device**

See **gate or movable barrier device**.

**Nip-point belt and pulley guard**

A guard that encloses the pulley and has rounded or rolled edge slots for the belt to pass through.

**Off-hand grinding**

Grinding of a work piece that is held in the operator's hand.

**Overland conveyor**

A single or series of belt conveyors designed to carry bulk material long distances, usually following the general contour of the land.

**Part revolution clutch**

Type of clutch that can be disengaged before the press slide completes a full stroke.

**Pedestal grinder**

An off-hand grinding machine similar to a bench grinder mounted on or otherwise attached to a floor-mounted pedestal.

**Pinch point**

Any point, other than the point of operation, where it is possible for a part of the body to be caught between moving parts or between a moving part and stationary one.

**Planer**

A machine with at least one cylindrical cutter head, that includes one or more inserted knife or cutting edge. A planer has a cutter head mounted over a means of work support. It also uses either an adjustable work support or cutter head to size the stock. The work piece is usually power-fed.

**Point of operation**

The area on a machine where work is actually performed upon the material being processed.

**Power-driven hammers**

Types of drop hammers in which the ram is raised for each stroke by a double-action steam, air, or hydraulic cylinder, and the energy delivered to the work piece is supplied by the velocity and weight of the ram and attached upper die driven downward by steam, air, or hydraulic pressure. Energy delivered during each stroke may be varied.

**Power transmission parts**

The mechanical components of a piece of equipment that, together with a source of power (sometimes referred to as a prime mover), provide the motion to a part of a machine or piece of equipment.

**Presence-sensing device**

A device that creates a sensing field, area, or plane to detect the presence of an individual or object.

**Presence-sensing device initiation (PSDI)**

Operating mode of a mechanical power press where a single cycle (stroke) is initiated by a presence-sensing device when it senses that the operator has finished feeding or removing parts and all parts of the operator's body are withdrawn from the sensing field of the device.

**Pull-back device**

A device attached to the operator's hands and connected to the upper die or slide of the press that will pull the operator's hands out of the point of operation as the dies close.

**Push block**

A nonmetallic device with one or more handles. A push block also has a flat bottom surface with either a heel or friction material on it, used as a hold-down and feed device. The purpose of this is to provide a safe distance between the hands and the cutting tool.

**Pusher-bar conveyor**

Two endless chains cross-connected at intervals by bars or pushers that propel the load along the bed or trough.

**Push stick**

A nonmetallic stick shaped device designed to provide a safe distance between the hands and the cutting tool. It has, as part of its design, a notched end with a heel and toe to hold down and feed the work piece past the cutting tool.

**Racks**

Carriers of pans, panned dough and finished bakery products. They are usually constructed of metal and mounted on casters or provided with trolleys for use on a monorail system.

**Reinforced wheels**

Organic bonded abrasive wheels which have webbing, fabric or filament to provide resistance to complete breaking of the wheel should it become cracked or damaged.

**Repeat**

An unintended or unexpected successive stroke of the press resulting from a malfunction.

**Restraint device**

A device with attachments for the operator's hands and wrists that prevent the operator from reaching into the hazardous area.

**Return-belt idlers**

A roller that supports the return run of the conveyor belt.

**Ripping**

A sawing operation made through the thickness of the work piece with the grain of natural wood, along the long dimension of a rectangular work piece, and usually parallel to that edge on reconstituted wood products. Two or more pieces result from the operation.

**Rivet-making machines**

The same as upsetters and bolt-headers when producing rivets with stock diameter of one inch or more.

**Riving knife**

See **spreader**.

**SFPM**

See **surface feet per minute**.

**Safeguarding by location**

Because of its location, no employee can inadvertently come in contact with a hazard during operation, maintenance, or servicing.

**Safeguarding by distance**

Employees are kept far enough from a hazard that they will not contact or be injured by the hazard.

**Safeguarding device**

See **device**.

**Safety block**

A prop inserted between the upper and lower dies or between the bolster plate and the face of the slide to prevent the slide from falling of its own weight.

**Safety cylinder**

This safety device may be of the direct cushion type integral with the main cylinder or it may be of the separate cushion type whereby a constant supply of live steam or air is applied behind a separate piston adjacent to the main cylinder. A spring, suitably constrained, may also be employed.

**Safety cylinder head**

An air cushion at the top of the hammer, just below the head, to protect the head from damage by the piston.

**Scale**

Any layer or leaf of metal resembling the scale of a fish in size and thinness; such as a scale of iron.

**Screw conveyor**

A screw or auger that revolves in a suitably shaped trough or casing, used to move material in one specific direction.

**Shaper**

A machine that uses one or more vertical spindles that are either fixed or able to be tilted, usually with an arbor mounted rotating cylindrical cutter, to form decorative or functional forms on a manually or power-fed work piece. The work piece is supported on a stationary or moving table. A guide, fixture, or template is used to control the operation. The spindle can be mounted above or below the work support means.

**Sheeter**

A machine that forms dough into a sheet by compression through one or more sets of driven rolls.

**Sifter**

A device that sifts flour. Sifter types are brush, oscillating, or vibrating.

**Single stroke mechanism**

Used on a full revolution clutch to limit the travel of the slide to one complete stroke at each engagement of the clutch.

**Slat and roller slat conveyor**

A conveyor employing one or more endless chains to which nonoverlapping, noninterlocking, spaced slats are attached.

**Slide**

Part of the press that moves back and forth in a straight line. Also called a ram, plunger, or platen.

**Snagging**

Grinding which removes relatively large amounts of material without regard to close tolerances or surface finish.

**Spreader**

A flat metal device slightly narrower than the saw kerf. It is designed to prevent the saw blade kerf in the work piece from closing on the sides of the blade during a sawing operation.

**Steam hammers**

A type of drop hammer where the ram is raised for each stroke by a double-action steam cylinder and the energy delivered to the work piece is supplied by the velocity and weight of the ram and attached upper die driven downward by steam pressure. Energy delivered during each stroke may be varied.

**Stripper**

A mechanism or die part for removing parts or material from the punch.

**Surface feet per minute (SFPM)**

A measure of the speed of a point on the periphery (outer edge) of an abrasive wheel. It is calculated using the formula:  

$$\text{SFPM} = .262 \times \text{diameter of the wheel (in inches)} \times \text{RPM (revolutions per minute)}$$

Example:

Wheel diameter = 24 inches

Spindle speed = 1000 RPM

$\text{SFPM} = .262 \times 24 \times 1000 = 3,144 \text{ SFPM}$

**Sweep device**

A single or double arm (rod) attached to the upper die or slide of the press that is designed to move the operator's hands to a safe position as the dies close. Sweep devices are not allowed for point-of-operation safeguarding.

**Swing saw/overhead swing cutoff saw**

A machine with a means of work support using a powered arbor and circular saw blade that pivots about a point located above the saw arbor.

**Tenoning machine**

A machine designed to use two or more cylindrical cutters, or one or two circular saws, to size or prepare (or both) the ends of a work piece. The work piece is supported on a table or conveying means. A means for clamping the work piece is provided.

**Terrazzo**

A material of stone chips, such as marble, set in mortar and polished.

**Threaded hole wheels**

Abrasive wheels that have one central threaded bushing, securely anchored in place. They are mounted by being

screwed onto a threaded machine spindle so that the wheel back seats firmly against an unrelieved flat back flange.

**Tongs**

Metal holder used to handle hot or cold forgings.

**Tongue guard**

An integral part of a safety guard that is located where the upper exposed part of the abrasive wheel meets the safety guard. It can be adjusted as necessary to maintain a set distance from the constantly decreasing diameter of the wheel.

**Tooling**

Elements for guiding or imparting a desired configuration to the material.

**Top grinding**

Grinding done above the horizontal centerline of the wheel.

**Towed conveyor**

An endless chain supported by trolleys from an overhead track or running in a track on the floor with means for towing floor-supported trucks, dollies, or carts.

**Trimming presses**

A class of auxiliary forging equipment that removes flash (metal splash) or excess metal from a forging. This trimming operation can also be done cold, as in can coining, a product-sizing operation.

**Trip (or tripping)**

Momentary actuation of the activating control to initiate the cycle (stroke).

**Trued**

When the cutting surfaces of an abrasive wheel have been reshaped to expose new sharp cutting surfaces.

**Turnover bar**

A bar used in die setting to manually turn the crankshaft of the press.

**Two-hand device**

A device that requires the concurrent use of both of the operator's hands to both initiate and continue the machine cycle during the hazardous portion of the machine cycle.

**Two-hand trip device**

A device that requires concurrent operation of the trip controls or levers by the operator's hands to initiate the machine cycle.

**Type A movable gate**

A device that encloses the hazardous area when the machine cycles and does not open until the end of the cycle.

**Type B movable gate**

A device that encloses the hazardous area when the machine cycles and opens when hazardous motion of the cycle is over. Type B devices are not allowed on full revolution type machinery.

**Type 1 wheel**

An abrasive wheel shaped like a disc with a mounting hole in the middle. Sometimes called a "straight wheel." It has diameter (D), thickness (T), and hole size (H) dimensions. Grinding is normally done on the periphery (outside curve) of the wheel (T dimension). Can be used for grinding, cutting-off, and tuck pointing.

**Type 2 wheel**

An abrasive wheel shaped like an open-ended, hollow cylinder. Sometimes called a cylinder wheel. It has diameter (measured from the outer wall of the cylinder), wheel thick-

ness (height of the cylinder), and rim thickness (thickness of the cylinder wall). Grinding is done on the end of the cylinder (rim thickness dimension).

**Type 6 wheel**

An abrasive wheel shaped like a straight-sided cup or bowl with a mounting hole in the bottom of the cup. Sometimes called a "cup wheel." It has diameter (D), thickness (T), hole size (H), rim thickness (W), and back thickness (E) dimensions. Grinding is normally done on the cup rim (W dimension).

**Type 11 wheel**

An abrasive wheel shaped like a cup or bowl with a mounting hole in the bottom of the cup. The sides of the cup are not straight-sided but are angled outward. Sometimes called a "flaring cup wheel" since the sides are "flared" out. It has double diameter dimensions (top D and bottom J). It also has thickness (T), hole size (H), rim thickness (W) and back thickness (E) dimensions. Grinding is normally done on the cup rim (W dimension).

**Type 16, 17, 18, 18R, and 19 wheels**

See cone and plug wheels.

**Type 27 wheel**

An abrasive wheel similar to a Type 1 wheel, but the center of the wheel around the mounting hole is pushed back (depressed). Sometimes called a "depressed center" wheel. It has diameter (D), thickness (U) and hole size (H) dimensions. The depressed center allows grinding on the flat surface of the wheel without interference from the flange or mounting hardware.

**Type 27A cutting-off wheel**

Similar to a Type 27 wheel. Specifically designed for use on cutting-off machines.

**Type 28 wheel**

An abrasive wheel similar to a Type 27 wheel, but the face of the wheel is angled upward and away from the mounting hole. The face of a Type 27 wheel is flat and perpendicular to the mounting hole. A Type 28 wheel is also called a "depressed center" wheel. It has diameter (D), thickness (U) and hole size (H) dimensions. The depressed center allows grinding without interference from the mounting. A Type 28 wheel has a saucer-shaped grinding rim and is designed for corner grinding and side grinding.

**Type 29 wheel**

An abrasive wheel that has reversed, saucer-shaped grinding rims (similar to a partially opened umbrella).

**Unitized tooling**

A die that has the upper and lower members incorporated into a self-contained unit that holds the die members in alignment.

**Upsetters (or forging machines, or headers)**

A type of forging equipment, related to the mechanical press, in which the main forming energy is applied horizontally to the work piece that is gripped and held by prior action of the dies.

**Wood products**

Wood products include wood and reconstituted wood products that generate chips or dust in the processing of a wood piece.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-24-150	Machinery and machine guarding—General requirements for all machines—Scope and application.
WAC 296-24-15001	Machine guarding.
WAC 296-24-15003	Anchoring fixed machinery.
WAC 296-24-15005	Means to prevent slipping.
WAC 296-24-15007	Machines shall be stopped when making repairs.
WAC 296-24-15009	Counterweights.
WAC 296-24-165	Fixed and portable power tool requirements.
WAC 296-24-16501	Definitions.
WAC 296-24-16503	Machine construction general.
WAC 296-24-16505	Machine controls and equipment.
WAC 296-24-16507	Hand-fed rip saws.
WAC 296-24-16509	Hand-fed crosscut table saws.
WAC 296-24-16511	Circular resaws.
WAC 296-24-16513	Self-feed circular saws.
WAC 296-24-16515	Swing cutoff saws.
WAC 296-24-16517	Radial saws.
WAC 296-24-16519	Bandsaws and band resaws.
WAC 296-24-16521	Jointers.
WAC 296-24-16523	Tenoning machines.
WAC 296-24-16525	Boring and mortising machines.
WAC 296-24-16527	Shapers and similar equipment.
WAC 296-24-16529	Planing, molding, sticking, and matching machines.
WAC 296-24-16531	Profile and swing-head lathes and heel turning machine.
WAC 296-24-16533	Sanding machines.
WAC 296-24-16535	Veneer cutters and wringers.
WAC 296-24-16537	Miscellaneous machines.
WAC 296-24-16539	Inspection and maintenance of machinery.
WAC 296-24-180	Abrasive wheel machinery.

PROPOSED

WAC 296-24-18001	Definitions.	WAC 296-24-20013	Forging presses.
WAC 296-24-18003	General requirements.	WAC 296-24-20015	Trimming presses.
WAC 296-24-18005	Guarding of abrasive wheel machinery.	WAC 296-24-20017	Upsetters.
WAC 296-24-18007	Flanges.	WAC 296-24-20019	Other forging equipment.
WAC 296-24-18009	Mounting.	WAC 296-24-20021	Other forge facility equipment.
WAC 296-24-190	Mills and calenders in the rubber and plastics industries.	WAC 296-24-205	Safeguarding power transmission parts.
WAC 296-24-19001	Definitions.	WAC 296-24-20501	What is an employer's duty to protect employees from hazards of power transmission parts?
WAC 296-24-19003	General requirements.	WAC 296-24-20503	What requirements must guards meet?
WAC 296-24-19005	Mill safety controls.	WAC 296-24-20505	What requirements must devices meet?
WAC 296-24-19007	Calender safety controls.	WAC 296-24-20507	What requirements must safeguarding by distance meet?
WAC 296-24-19009	Protection by location.	WAC 296-24-20509	What requirements must safeguarding by location meet?
WAC 296-24-19011	Trip and emergency switches.	WAC 296-24-20511	What other responsibilities beyond safeguarding does an employer have to protect employees from power transmission parts?
WAC 296-24-19013	Stopping limits.	WAC 296-24-20513	When may a guardrail be used as a safeguard?
WAC 296-24-19015	Alarm.	WAC 296-24-20515	What are the additional requirements for flywheels?
WAC 296-24-195	Mechanical power presses.	WAC 296-24-20517	What are the additional requirements for shafting?
WAC 296-24-19501	Definitions.	WAC 296-24-20519	What are the additional requirements for pulleys?
WAC 296-24-19503	General requirements.	WAC 296-24-20521	What are the additional requirements for belt and rope drives?
WAC 296-24-19505	Mechanical power press guarding and construction, general.	WAC 296-24-20523	What are the additional requirements for gears?
WAC 296-24-19507	Safeguarding the point of operation.	WAC 296-24-20525	What are the additional requirements for belt shifters?
WAC 296-24-19509	Design, construction, setting and feeding of dies.	WAC 296-24-20527	What are the additional requirements for sewing machines?
WAC 296-24-19511	Inspection, maintenance and modification of presses.	WAC 296-24-20529	Reserve.
WAC 296-24-19513	Operation of power presses.	WAC 296-24-20531	Reserve.
WAC 296-24-19514	Reports of injuries to employees operating mechanical power presses.	WAC 296-24-20533	Reserve.
WAC 296-24-19517	Presence sensing device initiation (PSDI).		
WAC 296-24-197	Compactors.		
WAC 296-24-200	Forging machines.		
WAC 296-24-20001	Definitions.		
WAC 296-24-20003	General requirements.		
WAC 296-24-20005	Hammers, general.		
WAC 296-24-20007	Presses.		
WAC 296-24-20009	Power-driven hammers.		
WAC 296-24-20011	Gravity hammers.		

WAC 296-24-20699	Appendices A through D are added to Part C of chapter 296-24 WAC, to describe the federal procedures for third-party validation and certification of presence sensing devices on mechanical power presses.	WAC 296-302-05503	Wrappers.
WAC 296-24-20700	Appendix A to WAC 296-24-195.	WAC 296-302-060	Biscuit and cracker equipment.
WAC 296-24-20710	Appendix B to WAC 296-24-195.	WAC 296-302-065	Ovens—Scope and application.
WAC 296-24-20720	Appendix C to WAC 296-24-195.	WAC 296-302-06501	General location.
WAC 296-24-20730	Appendix D to WAC 296-24-195.	WAC 296-302-06503	General requirements.
		WAC 296-302-06505	Construction.
		WAC 296-302-06507	Safeguards of mechanical parts.
		WAC 296-302-06509	Gas-burning systems.
		WAC 296-302-06511	Gas mixing machines.
		WAC 296-302-06513	Oil-burning equipment.
		WAC 296-302-06515	Solid-fuel firing equipment.
		WAC 296-302-06517	Electrical heating equipment.
		WAC 296-302-06519	Direct-fired ovens.
		WAC 296-302-06521	Direct recirculating ovens.
		WAC 296-302-06523	Flue-type ovens.
		WAC 296-302-06525	Indirect-fired multiple burner ovens.
		WAC 296-302-06527	Steam-tube ovens.
		WAC 296-302-06529	Indirect recirculating ovens.
		WAC 296-302-06531	Electric ovens.

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

WAC 296-302-010	Bakery equipment—General requirements.
WAC 296-302-015	Definitions.
WAC 296-302-020	General machine guarding.
WAC 296-302-025	Flour-handling equipment—Scope and application.
WAC 296-302-02501	General requirements for flour-handling.
WAC 296-302-02503	Bag chutes and bag lifts (bag-arm elevators).
WAC 296-302-02505	Dumpbin and blender.
WAC 296-302-02507	Flour elevators.
WAC 296-302-02509	Bolting reels.
WAC 296-302-02511	Storage bins.
WAC 296-302-02513	Screw conveyors.
WAC 296-302-02515	Sifters.
WAC 296-302-02517	Flour scales.
WAC 296-302-02519	Automatic flour gates.
WAC 296-302-03001	Horizontal dough mixers.
WAC 296-302-03003	Vertical mixers.
WAC 296-302-035	Dividers.
WAC 296-302-040	Moulders.
WAC 296-302-045	Manually fed dough brakes.
WAC 296-302-050	Miscellaneous equipment.
WAC 296-302-05501	Slicers.

**WSR 04-03-116**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Children's Administration)  
 [Filed January 21, 2004, 10:51 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 02-06-083 and 02-20-016.

Title of Rule: Chapter 388-148 WAC, Licensing requirements for foster homes, staffed residential homes, group care facilities, and child-placing agencies.

Purpose: To revise rules to comply with federal funding statute and clarify language of the licensing requirements for homes, facilities, and child-placing agencies. The chapter incorporates a new set of licensing requirements for group receiving centers.



New or Amended	WAC #	Title
Amended	388-148-0005	What is the purpose of this chapter?
Amended	388-148-0010	What definitions do I need to know to understand this chapter?
Amended	388-148-0015	Am I required to have a license to provide care to children?
Amended	388-148-0025	How do you decide how many children I may serve in my home or facility?
Amended	388-148-0035	What personal characteristics do I need to provide care to children?
Amended	388-148-0040	What first aid and cardiopulmonary resuscitation (CPA) training is required?
Amended	388-148-0045	What HIV/AIDS training is required?
Amended	388-148-0050	How do I apply for a license?
Amended	388-148-0055	How long do I have to complete the licensing application packet?
Amended	388-148-0058	May I receive more than one in-home family license?
Amended	388-148-0060	May my relative or I be certified by a child-placing agency to be a foster parent and be an employee of that same agency?
Amended	388-148-0065	When may I be certified to provide care to children?
Amended	388-148-0070	Is there a difference between licensing and certification?
Amended	388-148-0075	May I be licensed with the department and certified by a child-placing agency at the same time?
Amended	388-148-0085	Will the department license or continue to license a home or facility if the home or facility does not meet the licensing requirements?
Amended	388-148-0090	Does the department issue a probationary license?
Amended	388-148-0095	When are licenses denied, suspended or revoked?
New	388-148-0098	When is an employee or volunteer disqualified from having unsupervised access to a child at a licensed home, facility, or agency?
Amended	388-148-0100	Are there any other reasons that might cause me to lose my license?
Amended	388-148-0110	What may I do if I disagree with your decision to modify, deny, suspend or revoke my license?
Amended	388-148-0120	What incidents involving children must I report?
Amended	388-148-0125	What are your requirements for keeping client records?
New	388-148-0127	What are the requirements for information kept in facility logs for staffed residential homes and group care programs?
Amended	388-148-0130	What information may I share about a child or a child's family?
Amended	388-148-0135	What changes to my home or facility must I report to my licensor?
Amended	388-148-0140	What personnel policies must I have?
Amended	388-148-0150	Are local ordinances part of the licensing requirements?
Amended	388-148-0165	What are the requirements about the location of my home or facility?
Amended	388-148-0170	What steps must I take to ensure children's safety around outdoor bodies of water?
Amended	388-148-0180	Are alcoholic beverages or illegal drugs allowed at my home or facility?
Amended	388-148-0185	Is smoking permitted around children?
Amended	388-148-0200	Do I need first-aid supplies?
Amended	388-148-0220	What fire safety requirements must I follow to qualify for a license?
Amended	388-148-0225	What safety requirements are there for exits?
Amended	388-148-0230	Are there other fire safety requirements for inside a foster home or staffed residential home licensed for five or fewer children?
Amended	388-148-0235	What are the requirements for smoke detectors for foster homes and staffed residential homes licensed for five or fewer children?
Amended	388-148-0240	What are the requirements for fire extinguishers in homes and facilities?
Amended	388-148-0245	What fire escape measures must be taken for multi-level homes and facilities?
Amended	388-148-0250	What fire safety instructions must I give to children residing in a home or facility?

New or Amended	WAC #	Title
Amended	388-148-0255	What are the requirements for a fire evacuation plan?
Amended	388-148-0260	What are the general requirements for bedrooms?
Amended	388-148-0265	What are additional requirements for bedrooms for more than one person?
Amended	388-148-0270	What are the requirements for beds?
Amended	388-148-0275	Do I need a telephone at my home or facility?
Repealed	388-148-0285	Do I need a housekeeping sink?
Amended	388-148-0300	How must I ventilate my home or facility?
Amended	388-148-0305	What are the requirements for laundry facilities?
Amended	388-148-0315	What are the requirements for toilets, sinks, and bathing facilities?
Amended	388-148-0320	What are the requirements about drinking water?
Amended	388-148-0325	What are the requirements for sewage and liquid wastes?
Amended	388-148-0335	When must I get a physical exam for a child under my care?
Amended	388-148-0340	What are the requirements for immunizations for children?
Amended	388-148-0345	What must I do to prevent the spread of infections and communicable diseases?
Amended	388-148-0350	What are the requirements for obtaining consent for medical care for children under my care?
New	388-148-0352	What are the requirements for the management of medication for children in my care?
Amended	388-148-0355	May I accept medicine from a child's parent or guardian?
Repealed	388-148-0360	Whom do I notify about medication changes and reactions?
Amended	388-148-0365	When may children take their own medicine?
Amended	388-148-0375	How often must I feed children?
Amended	388-148-0380	How do I handle a child's special diet?
Amended	388-148-0395	What requirements must I meet for feeding babies?
Amended	388-148-0400	What are the requirements for diapers and diaper-changes areas?
New	388-148-0422	What are the requirements for privacy for children in out-of-home placements?
Amended	388-148-0425	What are the requirements about nondiscrimination?
Repealed	388-148-0427	Are there specific requirements regarding Native American children?
Amended	388-148-0430	May I take a foster child to church services, temple, mosque, or synagogue?
Amended	388-148-0445	What toys and activities must I provide to children?
Repealed	388-148-0450	What types of toys must I provide to children?
Amended	388-148-0455	Do I need permission to travel on an overnight trip, or out-of-state with my foster child?
Amended	388-148-0460	What requirements do you have for supervising children?
Amended	388-148-0470	What types of disciplinary practices are forbidden?
Amended	388-148-0480	When may a child be physically restrained?
Amended	388-148-0485	What types of physical restraint are not acceptable for children?
New	388-148-0487	What are the requirements for time-out or quiet rooms?
New	388-148-0488	Are time-delay mechanisms allowed on windows and doors of a facility or staffed residential home licensed for six?
Amended	388-148-0490	What must I do following an incident that involved using physical restraint?
Repealed	388-148-0500	May I receive more than one on-home care license?
Amended	388-148-0520	What are the training requirements for foster parents and prospective foster parents?
Amended	388-148-0525	How many children may my foster home serve?
Amended	388-148-0535	Do I need to have income separate from foster care payments?
Amended	388-148-0540	When may I use respite care?
New	388-148-0551	Who may provide care to a foster child in the foster home when the foster parent is away from the home?

New or Amended	WAC #	Title
New	388-148-0542	May someone under eighteen supervise a foster child in the foster home?
Amended	388-148-0555	Do I need a social summary for children under my care?
Amended	388-148-0560	Do I need a treatment plan for children under my care?
Amended	388-148-0585	What social service staff do I need?
Amended	388-148-0600	Do I need professional consultants for my program?
Amended	388-148-0605	Is in-service training required?
Amended	388-148-0610	What are the required ratios of social service staff to children under care?
Amended	388-148-0615	Are there specific fire safety requirements for the care of nonambulatory children?
Amended	388-148-0620	What safety features do I need for hazardous areas?
Amended	388-148-0625	What other requirements must I follow for smoke detectors?
Repealed	388-148-0630	What fire prevention measures must I take?
Repealed	388-148-0635	What are the requirements for fire sprinkler systems?
Amended	388-148-0640	What fire safety procedures do staff of a group care facility and a staffed residential home licensed for six children need to know?
Amended	388-148-0645	What are the requirements for fire drills and testing smoke detectors?
Repealed	388-148-0650	What requirements do you have regarding windows in staffed residential homes and group care facilities?
Amended	388-148-0655	Are there different construction and fire safety requirements for facilities that have multiple licenses in the same building?
Amended	388-148-0660	Do mealtimes need to be established?
Amended	388-148-0670	What types of group care programs are licensed to provide care to children?
Amended	388-148-0685	Who may I serve as a group care program provider?
Amended	388-148-0695	Must I give a child an allowance?
Amended	388-148-0700	What are the qualifications for an executive director for a group care program or child-placing agency?
Amended	388-148-0705	Do I need an on-site program manager or social service staff at each group care facility?
Amended	388-148-0710	What are the responsibilities of the on-site program manager or social services staff for a group care facility?
Amended	388-148-0715	What qualifications must the on-site program manager for a group care program for a CPA program manager have?
New	388-148-0718	What are the responsibilities for child care staff at a group care program?
Amended	388-148-0720	What are the qualifications for child care staff or case aides for a group care program and a child-placing agency?
New	388-148-0722	What are the qualifications for health care staff for a group care program or a child-placing agency caring for medically fragile children?
Amended	388-148-0725	What is the ratio of child care staff to children in group care facilities?
Amended	388-148-0730	Are there room requirements for group care facilities?
Repealed	388-148-0735	When do I need a special care room?
Amended	388-148-0750	What maternity services must I provide?
Amended	388-148-0765	What types of health education must I offer expectant and new mothers?
Amended	388-148-0775	Do expectant and new mothers need to be under a physician's care?
Amended	388-148-0785	What is the proper ratio of staff to children in home or group care facilities offering maternity services?
Amended	388-148-0795	How is capacity determined for a maternity services facility?
Amended	388-148-0800	What is the purpose of day treatment programs?
Amended	388-148-0805	What staff must my day treatment program have?
Amended	388-148-0810	What consultants must my day treatment program have?

PROPOSED

New or Amended	WAC #	Title
Amended	388-148-0830	What services must I provide for medically fragile children and children with severe developmental disabilities?
Amended	388-148-0860	Are there room requirements for group care facilities for medically fragile children under age six?
Amended	388-148-0870	What additional record-keeping requirements exist for medically fragile children and children with severe developmental disabilities?
Amended	388-148-0875	What types of crisis residential centers may be licensed?
Amended	388-148-0880	What levels of secure CRCs exist?
Amended	388-148-0885	What are the requirements for a level-one secure CRC?
Amended	388-148-0890	What are the requirements for a level-two secure CRC?
New	388-148-0892	What are the requirements for a level-three secure CRC?
Amended	388-148-0895	May a juvenile detention center operate a separate secure CRC program?
Amended	388-148-0900	What youth may a CRC serve?
Amended	388-148-0905	Can law enforcement officers place youth in secure CRC?
Amended	388-148-0915	What steps must be taken after a youth is admitted into a CRC?
Repealed	388-148-0935	How long may a youth stay at a CRC?
Amended	388-148-0995	What are the ratio requirements of youth care staff to youth in crisis residential centers?
Repealed	388-148-1020	Must a staffed residential home operate in conjunction with another program?
Amended	388-148-1025	What must be included in a written program description for a staffed residential home?
Amended	388-148-1030	What services must a staffed residential home provide?
Amended	388-148-1035	Who must be on the premises when children are under care at a staffed residential home?
Amended	388-148-1045	What is the ratio of child care staff to children in staffed residential homes?
Amended	388-148-1050	How many children may I serve in my staffed residential home?
Amended	388-148-1060	What services may a child-placing agency provide?
Repealed	388-148-1065	Do child-placing agency foster homes and group care facilities need to be licensed before placements?
New	388-148-1066	What written information is needed before a child is accepted for care by a child-placing agency?
Amended	388-148-1070	What health histories need to be provided to adoptive parents?
New	388-148-1076	What are the qualifications for an executive director, a program manager/social service staff, and a consultant for a child-placing agency?
New	388-148-1077	What are the qualifications for a case aide for a child-placing agency program?
New	388-148-1078	What are the qualifications for health care staff hired or contracted by a child-placing agency to provide services to children in care?
New	388-148-1097	What are the qualifications for a foster home licensor for a child-placing agency?
Amended	388-148-1085	How may my child-placing agency certify a foster home for licensing by the department?
Amended	388-148-1115	What are the requirements for adoptive services?
Amended	388-148-1120	What is the process for adoptions?
New	388-148-1205	What is a group receiving center?
New	388-148-1210	What age children may a center serve?
New	388-148-1215	What hours must a center be open?
New	388-148-1220	What services are provided or arranged for by a group receiving center?
New	388-148-1225	Is a center required to provide an orientation for a child placed?
New	388-148-1230	Does each child need space for personal items at the center?
New	388-148-1235	What staff training is required?
New	388-148-1240	What is the ratio of child care staff to children at a center?

PROPOSED

New or Amended	WAC #	Title
New	388-148-1245	What are the requirements for supervision of children at a center?
New	388-148-1250	Who must be on the premises while children are in care at a center?
New	388-148-1255	What are the requirements for an activity program?
New	388-148-1260	What activities must I provide to children?
New	388-148-1265	What are the requirements for indoor recreation areas?
New	388-148-1270	What are the requirements for an outdoor recreation area?
New	388-148-1275	What are the size requirements for an outdoor recreation area?
New	388-148-1280	What are the requirements for playground equipment?

Statutory Authority for Adoption: RCW 74.15.030.

Statute Being Implemented: Chapter 74.15 RCW.

Summary: The changes to the chapter enhance health and safety for children and youth in homes and facilities licensed by Children's Administration, including a section on a new type of facility, group receiving centers, now available to provide emergency foster care to sibling groups. The other changes improve Children's Administration's ability to claim federal funding under the Social Security Act. These changes include amendments that provide clarification and flexibility to licensees regarding safety around swimming pools, respite care, fire safety, and minimum qualifications for health care staff in facilities.

Reasons Supporting Proposal: The addition of group receiving center licensing requirements, compliance with federal statutes, overall clarity of language, and efficacy of rules affecting homes and facilities licensed by Children's Administration.

Name of Agency Personnel Responsible for Drafting and Implementation: Jean L. Croisant, P.O. Box 45710, Olympia, WA 98504-5710, (360) 902-7992; and Enforcement: Children's Administration, Division of Licensed Resources, Office of Foster Care Licensing, P.O. Box 45700, Olympia, WA 98504-5700.

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

Rule is necessary because of federal law, 45 C.F.R. 1355.

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of the chapter is to define the minimum general and specific licensing requirements for foster homes, staffed residential homes, group care facilities, and child-placing agencies. These homes and facilities must be regulated to ensure that children and youth experience safe and health care while in out-of-home placement. The anticipated effect will be the overall clarification of the licensing requirements and compliance with federal statutes to increase funding and support for children and youth residing in out-of-home placements.

Proposal Changes the Following Existing Rules: See Purpose above for list of amended, repealed, and new rules.

Some of the changes include:

- Licensing requirements for group receiving centers.
- Added flexibility in meeting the safety requirements for supervision around swimming pools.

- Addition of two sections allowing foster children to be supervised, occasionally, by relatives or friends of the foster parents who are under the age of eighteen.
- Clarification on the fire safety requirements.
- Clarification of the fire safety requirements for staffed residential homes (SRH). Separation of the requirements for SRH licensed for six and those licensed for five or fewer.
- Addition of qualifications for health care staff working in group care facilities.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Children's Administration conducted a survey of all group care providers, child-placing agencies, and a random sample of foster parents outlining proposed changes. It was determined from the survey results that their costs would be minor. Therefore, only minor costs will be imposed on small businesses affected by the changes. The preparation of a comprehensive small business economic impact statement is not required.

RCW 34.05.328 applies to this rule adoption. The proposed rule changes for chapter 388-148 WAC, Licensing requirements for foster homes, staffed residential homes, group care facilities, and child-placing agencies are "significant legislative rules" as defined in RCW 34.05.325 and require a cost-benefit analysis (CBA). A copy of the CBA may be requested by contacting Jean L. Croisant, at Children's Administration, Division of Program and Policy Development, P.O. Box 45710, Olympia, WA 98504-5710, (360) 902-7992, or loje300@dshs.wa.gov.

Hearing Location: Lacey Government Center, (public parking behind Sakura Japanese Restaurant), Room 104-B, 1009 College Street S.E., Lacey, WA 98503, on March 23, 2004, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by March 16, 2004, phone (360) 664-6094, TTY (360) 664-6178 e-mail fernaax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., March 23, 2004.

Date of Intended Adoption: No earlier than March 24, 2004.

January 15, 2004  
 Brian H. Lindgren, Manager  
 Rules and Policies Assistance Unit

## Chapter 388-148 WAC

**LICENSING REQUIREMENTS FOR CHILD FOSTER HOMES, STAFFED RESIDENTIAL HOMES, GROUP RESIDENTIAL FACILITIES, AND CHILD-PLACING AGENCIES**

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0005 What is the purpose of this chapter?** The department issues or denies a license or certification on the basis of compliance with licensing requirements. This chapter defines general and specific licensing requirements for foster homes, staffed residential homes, group facilities, and child-placing agencies. We include licensing requirements for people who operate foster homes, group care programs and facilities, staffed residential homes, and child-placing agencies. In addition, we describe our requirements for specialized services offered in these homes and facilities, including: maternity services, day treatment services, crisis residential centers, group receiving centers services for children with severe developmental disabilities and programs for medically fragile children. Unless noted otherwise, these requirements apply to people who want to be licensed, certified, relicensed and re-certified.

The department is committed to ensuring that the children who receive care experience health, safety, and well-being. We want these children's experiences to be beneficial to them not only in the short run, but also in the long term. Our licensing requirements reflect our commitment to children.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0010 What definitions do I need to know to understand this chapter?** The following definitions are for the purpose of this chapter and are important to understand these rules:

**"Abuse or neglect"** means the injury, sexual abuse, sexual exploitation, negligent treatment or mistreatment of a child where the child's health, welfare and safety are harmed.

**"Agency"** is defined in RCW 74.15.020(1).

**"Assessment"** means the appraisal or evaluation of a child's physical, mental, social and/or emotional condition.

**"Capacity"** means the maximum number of children that a home or facility is licensed to care for at a given time.

**"Care provider"** means any licensed or certified person or organization or staff member of a licensed organization that provides twenty-four-hour care for children.

**"Case manager"** means the private agency employee who coordinates the planning efforts of all the persons working on behalf of a child. ~~(They)~~ Case managers are responsible for implementing the child's case plan, assisting in achieving those goals, and assisting with day-to-day problem solving.

**"Certification"** means:

(1) Department approval of a person, home, or facility that does not legally need to be licensed, but wishes to have

evidence that ~~((they met))~~ it meets the minimum licensing requirements; or

(2) Department licensing of a child-placing agency to certify that a foster home ~~((and/or a group care program))~~ meets licensing requirements.

**"Children"** or **"youth,"** for this chapter, means individuals who are:

(1) Under eighteen years old, including expectant mothers under eighteen years old; or

(2) Up to twenty-one years of age and ~~((enrolled in))~~ pur-  
suing a high school, equivalent course of study(;) (GED), or ~~((educational))~~ vocational program;

(3) Up to twenty-one years of age with developmental disabilities; or

(4) Up to twenty-one years of age if under the custody of the Washington state juvenile rehabilitation administration.

**"Child-placing agency"** means an agency licensed to place children for temporary care, continued care or adoption.

**"Crisis residential center (CRC)"** means an agency under contract with DSHS that provides temporary, protective care to children in a foster home, regular (semi-secure) or secure group setting.

**"Compliance agreement"** means a written licensing improvement plan to address deficiencies in specific skills, abilities or other issues of a fully licensed home or facility in order to maintain and/or increase the safety and well-being of children in their care.

**"DCFS"** means the division of children and family services.

**"DDD"** means division of developmental disabilities.

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

**"Developmental ~~((disabilities))~~ disability"** ~~((means the language used by DSHS, division of developmental disabilities))~~ is a disability as defined in RCW 71A.10.020.

**"DLR"** means the division of licensed resources.

**"Firearms"** means guns or weapons, including but not limited to the following: BB guns, pellet guns, air rifles, stun guns, antique guns, bows and arrows, handguns, rifles, and shotguns.

**"Foster-adopt"** means placement of a child with a foster parent(s) who intends to adopt the child, if possible.

**"Foster home or foster family home"** means person(s) licensed to regularly ~~((providing))~~ provide care on a twenty-four-hour basis to one or more children in the person's home.

**"Full licensure"** means an entity meets the requirements established by the state for licensing or approved as meeting state minimum licensing requirements.

**"Group care facility for children"** means a location maintained and operated for a group of children on a twenty-four-hour basis.

**"Group receiving center" or "GRC"** means a facility providing the basic needs of food, shelter, and supervision for more than six children placed by the department, generally for thirty or fewer days. A group receiving center is considered a group care program and must comply with the group care facility licensing requirements.

**"Hearing"** means the ~~((department's))~~ administrative review process.

"I" refers to anyone who operates or owns a foster home, staffed residential home, and group facilities, including group homes, child-placing agencies, maternity homes, day treatment centers, and crisis residential centers.

~~("Infants")~~ **"Infant"** means ~~((children))~~ a child under one year of age.

**"License"** means a permit issued by the department affirming that a home or facility meets the minimum licensing requirements.

**"Licensor"** means:

(1) A division of licensed resources (DLR) employee at DSHS who:

(a) Approves licenses or certifications for foster homes ~~(and)~~, group facilities, and child-placing agencies; and

(b) Monitors homes and facilities to ensure that they continue to meet minimum health and safety requirements.

(2) An employee of a child-placing agency who:

(a) Attests that ~~((a))~~ foster ~~((home and/or group home facility))~~ homes supervised by the child-placing agency meets licensing requirements; and

(b) Monitors ~~((the))~~ those foster homes ~~((and facilities))~~ to ensure they continue to meet the minimum licensing standards ~~((for the health and safety of the children in care))~~.

~~("Maternity service")~~ **"Maternity service"** ~~((means an individual, program or facility providing or arranging for care for:~~

~~(1) Expectant mothers before and during pregnancy; and~~

~~(2) Mothers and their infants after pregnancy.~~

~~These services are provided to mothers who are under eighteen years of age))~~ as defined in RCW 74.15.020.

**"Medically fragile"** means the condition of a child who has a chronic illness or severe medical disabilities requiring regular nursing visits, ~~((regular))~~ extraordinary medical ~~((check-ups, or under a))~~ monitoring, or on-going (other than routine) physician's care.

**"Multidisciplinary teams (MDT)"** means groups formed to assist children who are considered at-risk youth or children in need of services, and their parents.

**"Nonambulatory"** means not able to walk or traverse a normal path to safety without the physical assistance of another individual.

~~("Nonmobile" refers to children who are not yet walking, are unable to walk, or unable to use a wheelchair or other device to move about freely.)~~

**"Out-of-home placement"** means a child's placement in a home or facility other than the child's parent, guardian, or legal custodian.

**"Premises"** means a facility's buildings and adjoining grounds that are managed by a person or agency in charge.

**"Probationary license"** means a license issued as part of a disciplinary ~~((measure))~~ action on an individual or agency that has previously been issued a full license but is out of compliance with minimum licensing ~~((standards))~~ requirements and has entered into an agreement aimed at correcting deficiencies to minimum licensing requirements.

**"Psychotropic medication"** means a type of medicine that is prescribed to affect or alter thought processes, mood, sleep, or behavior. These include anti-psychotic, antidepressants and anti-anxiety medications.

**"Relative"** means a person who is related to the child as defined in RCW 74.15.020 (4)(a)(i), (ii), (iii), and (iv) only.

**"Respite"** means brief, temporary relief care provided to a child and his or her parents, legal guardians, or foster parents with the respite provider fulfilling some or all of the functions of the care-taking responsibilities of the parent, legal guardian, or foster parent.

**"Secure facilities"** means a crisis residential center that has locking doors and windows, or secured perimeters intended to prevent children from leaving without permission.

**"Service plan"** means a description of the services to be provided or performed and who has responsibility to provide or perform the activities for a child or child's family.

**"Severe developmental disabilities"** means significant disabling, physical and/or mental condition(s) that cause a child to need external support for self-direction, self-support and social participation.

~~("Social service staff")~~ **"Social service staff"** means ~~((child-placing agency or group care program staff))~~ a clinician, program manager, case manager, consultant, or other staff person who is an employee of the agency or hired to ~~((provide consultation on developing and implementing))~~ develop and implement the child's individual service and treatment plans.

**"Staffed residential home"** means a licensed home providing twenty-four-hour care for six or fewer children or expectant mothers. The home may employ staff to care for children or expectant mothers. It may or may not be a family residence.

~~("Universal) Standard precautions")~~ **"Standard precautions"** is a term relating to procedures designed to prevent transmission of blood borne pathogens in health care and other settings. Under standard precautions, blood or other potentially infectious materials of all people should always be considered potentially infectious for HIV and other pathogens. Individuals should take appropriate precautions using personal protective equipment like gloves to prevent contact with blood or other bodily fluids.

**"Washington state patrol fire protection bureau"** or **"WSP/FPB"** means the state fire marshal.

**"We"** or **"our"** refers to the department of social and health services, including DLR licensors and DCFS social workers.

**"You"** refers to anyone who operates a foster home, staffed residential home, and group facilities, including group homes, maternity programs, day treatment programs, crisis residential centers, group receiving centers, and child-placing agencies.

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0015 Am I required to have a license to provide care to children?** (1) If you regularly provide care on a twenty-four hour basis to a child who is not related to you, you must be licensed.

(2) The types of homes or facilities that need a license include:

(a) Foster homes;

(b) Group care programs;

(c) Programs for medically fragile children and children with severe developmental disabilities;

(d) Maternity services;

(e) Day treatment programs;

(f) Crisis residential centers;

(g) Staffed residential homes; ~~((and))~~

(h) Child-placing agencies; and

(i) Group receiving centers.

Note: Homes and facilities offering maternity services, day treatment, crisis residential centers, group receiving centers, services to medically fragile children and/or children with severe developmental disabilities will need to follow the specific program requirements outlined in this chapter as well.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0020 When is a license not required if I provide care to children?** The department does not require licenses for people providing care in any of the situations as defined in RCW 74.15.020(2).

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0025 How do you decide how many children I may serve in my home or facility?** (1) The department approves the number of children that a home or facility may serve, based on an evaluation of these factors:

(a) Physical accommodations in your home or facility;

(b) The number of staff, family members and volunteers available for providing care;

(c) Your skills and the skills of your staff; ~~((and))~~

(d) The ages and characteristics of the children you are serving; and

(e) The certification of occupancy from the Washington state patrol fire protection bureau if your facility is a group care program, or a staffed residential home licensed for six children.

(2) Based on the evaluation, the department may license you for the care of fewer children than you normally would serve in your category of care.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0035 What personal characteristics do I need to provide care to children?** If you are requesting a license, certification, or a position as an employee, volunteer, intern, or contractor in a foster home, group care facility, staffed residential home, or child-placing agency you must have the following specific personal characteristics:

(1) You must demonstrate that you have the understanding, ability, physical health, emotional stability and personal-ity suited to meet the physical, mental, emotional, and social needs of the children under your care.

(2) You must not have been disqualified by our background check (chapter 388-06 WAC) prior to having unsupervised access to children.

(3) You have not had a license denied or revoked from an agency that regulates the care of children or vulnerable adults, unless the department determines that you do not pose a risk to a child's safety, well being, and long-term stability.

(4) You must not have been found to have committed abuse or neglect of a child or vulnerable adult, unless the department determines that you do not pose a risk to a child's safety, well being, and long-term stability.

(5) You must have the ability to furnish the child with a nurturing, respectful, supportive, and responsive environment.

~~((4))~~ (6) The department may require you to give additional information. We may request this information at any time and it may include, but is not limited to:

(a) Substance and alcohol abuse evaluations and/or documentation of treatment;

(b) Psychiatric or psychological evaluations;

(c) Psycho-sexual evaluations; and

(d) Medical evaluations and/or medical records.

~~((5))~~ (7) Any evaluation requested under WAC 388-148-0035 ~~((4))~~~~(6)~~(a)-(d) will be at the applicant/licenses expense.

~~((6))~~ (8) The licensor must be given permission to speak with the evaluator/provider prior to and after the evaluation.

(9) Misrepresentation by a prospective employee, intern, or volunteer may be grounds for termination or denial of employment or volunteer service by that individual.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0040 What first-aid and cardiopulmonary resuscitation (CPR) training is required?** ~~((You and your staff must have the following first-aid training:))~~

(1) If you have a home or facility that provides licensed care, ((the care-givers)) you, your staff, interns, volunteers, and any individual who may at any time be the sole caregiver, must have ((current training in:

~~((a))~~ basic standard first aid((;)) and

~~((b))~~ age-appropriate cardiopulmonary resuscitation (CPR) training.

(2) The approved first((-) aid and CPR training must be in accordance with a nationally recognized standard ((such as the American Red Cross or American Heart Association)).

(3) For ~~((any))~~ licensed facilities ((other than foster)) and homes, ((the)) a person with first((-) aid and CPR training must be on the premises ((at all times)) when children are present.

(4) The ((requirement for)) CPR training ((may be waived for persons)) is not required for licensees with a statement from their physician that the training is not advised for medical reasons. However, another person with current CPR training must be on the premises when children are present.

(5) You must keep records in your home or facility showing who has completed current first-aid and CPR training.



AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0045 What HIV/AIDS and blood borne pathogens training is required?** (1) You must provide or arrange for training for yourself ~~((and any of)),~~ your staff, and any individual who may at anytime be the sole caregiver, on the prevention((;)) and transmission((,-and treatment)) of HIV ((and))/AIDS, and blood borne pathogens. Such training must include infection control ~~((requirements))~~ standards.

(2) You must use infection control requirements and educational material consistent with the current approved curriculum *Know - HIV/AIDS Prevention Education for Health Care Facility Employees*, published by the department of health, office on HIV/AIDS.

~~((3) The staff of group care programs are required to complete blood borne pathogen training.))~~

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0050 How do I apply for a license?** License applications are available from the division of licensed resources and licensed child placing agencies.

(1) To apply for a license, the person or legal entity responsible for your home or facility must ~~((follow these procedures:~~

~~(1) You must send the application form to your licensor at DLR or a child placing agency.~~

~~(2))~~ include with the application ((form, you must send)) the following ((information)):

(a) Written verification for ((applicant of)) each applicant(s), staff, interns, volunteers and individuals who may have unsupervised access to children in care of the following information:

(i) A negative tuberculosis test or an X ray, unless you can demonstrate a religious ((reasons)) or a medical reason prohibiting the test;

Note: Written documentation from your physician that indicates you are free of the signs and symptoms of tuberculosis may be accepted for individuals with a religious or a medical prohibition to the TB test.

(ii) First aid and cardio-pulmonary resuscitation (CPR) training appropriate to the age of the children in care; and

(iii) HIV/AIDS and blood borne pathogens training including infection control standards.

~~((b))~~ (2) You must send a completed background check form ((for each applicant, family member, staff person, board member, intern or volunteer)) to your licensor on anyone on the premises having unsupervised access to children who:

~~((i))~~ (a) Is at least sixteen years old or older;

~~((ii))~~ (b) Is not a foster child; ((and

~~((iii))~~ Has unsupervised access to children)) or

(c) An individual eighteen through twenty years old authorized to remain in foster care (see chapter 388-06 WAC).

~~((e) If you have lived in Washington state less than three years,))~~

(3) You must ((provide us with)) send a completed FBI fingerprint form on any individual in your home or facility

who has lived outside Washington state within the last three years and meets WAC 388-148-0050 (2)(a)(b).

~~((d) We may require additional information from you including, but not limited to:~~

~~(i) Substance and alcohol abuse evaluations and/or documentation of completed treatment;~~

~~(ii) Psychiatric evaluations;~~

~~(iii) Psycho-sexual evaluations; and~~

~~(iv) Medical evaluations and/or medical records.~~

~~(3) Except foster homes, if you are applying for a license renewal, you must send the application form to your licensor at least ninety days prior to the expiration of your current license))~~

(4) A group care facility or staffed residential home licensed for six is required to meet the health and fire safety requirements to receive a certificate of compliance from the department of health and the Washington state patrol fire protection bureau.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0055 How long do I have to complete the licensing application packet?** (1) You must complete your licensing application with supporting documents, such as training certificates, within ninety days of first applying for your license. If you fail to meet this deadline and have not contacted your licensor, your licensor may consider your application withdrawn.

(2) If you are applying for a license renewal, other than as a foster home, you must send the application form to your licensor at least ninety days prior to the expiration of your current license.

#### NEW SECTION

**WAC 388-148-0058 May I receive more than one in-home family license?** (1) The department does not issue licenses for both a foster home and another kind of in-home family care, except in rare situations.

(2) In rare situations, a family that has demonstrated exceptional abilities in relation to meeting the special needs of children to be cared for may be granted approval to be licensed for foster care and another type of in-home family care. Approval may be granted if it appears to be in the best interest of the child and would not jeopardize the health and safety of children in the home.

(3) The following conditions apply to a home with more than one in-home family license:

(a) It must be clear that one type of care does not interfere with the health and safety of any child while providing the other type of care; and

(b) The total number of children in all categories of care must not exceed the number permitted by the most stringent capacity standards for the licensed care of children.

(4) The approval for more than one in-home family license must be in writing and signed by the director of the division of licensed resources or designee and the appropriate authority of the other division.

PROPOSED

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0060 May my relative or I be certified by a child-placing agency to be a foster parent and be an employee of that same agency?** (1) You or your relative(s), are not allowed to be certified by a child-placing agency as a foster home, if you or your relative is in an administrative or supervisory role, or directly involved in:

(a) Foster home certification(;);

(b) Placement(;);

(c) Case management; or

(d) Authorization of payment to yourself or your relative for that same child-placing agency.

(2) ~~((You or your relative may apply to a different))~~ A foster parent certified by a child-placing agency ~~((for a license.~~

~~(3) Licensed foster parents who become~~) who becomes employed by ~~((the department or a child-placing agency must be relicensed))~~ that agency, in one of the roles listed in WAC 388-148-0060(1) must be recertified through an agency other than their employer or licensed directly by DLR within six months of employment.

Note: Relative as defined under RCW 74.15.020 (4)(i) through (iv).

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

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0065 When may I be certified to provide care to children? When you meet the licensing requirements, you may apply for certification of your home or facility by the department rather than a license, if ~~((you))~~ the following conditions apply:**

(1) You are exempt from needing a license (per chapter 74.15 RCW); and

(2) ~~((Meet the licensing requirements; and~~

~~(3))~~ You wish to serve department-funded children; or

(3) You are licensed by authority of an Indian tribe within the state under RCW 74.15.190.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0070 Is there a difference between licensing and certification?** (1) The department has the sole legal authority to license or approve homes and facilities for the care of children in out-of-home placement.

(2) The department may license a child-placing agency, including a Tribal CPA, to operate foster home, staffed residential home, and/or group care facilities.

(3) The child-placing agency is only authorized to "certify" or attest to the department that the foster home ~~((or facility))~~ meets the licensing requirements.

(4) The certification requirements are the same as the licensing requirements ~~((are the same))~~ and are contained in this chapter.

(5) The department has the final approval for licensing the home or facility that the CPA will be supervising.

(6) The department's representative signs the license of the home or facility.

(7) A home "certified" by a child-placing agency (CPA) and licensed by the department must be supervised by that CPA to have a valid license ~~((to care for children))~~.

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

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0075 May I be licensed with the department and certified by a child-placing agency at the same time?** You may not be licensed directly by the department to provide foster care to children ~~((at the same time by both the department))~~ and be certified and supervised by a child-placing agency, at the same time.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0085 Will the department license or continue to license a home or facility if the home or facility does not meet the licensing requirements?** (1) At its discretion, the department may make exceptions and license or continue to license a home or facility that does not meet the minimum licensing requirements.

(2) Exceptions are approved for nonsafety requirements only.

(3) The safety and well-being of the children receiving care must not be compromised.

(4) The request for an exception to the licensing requirements must be in writing.

(5) You must keep a copy of the approved exception to the licensing requirements for your files.

(6) Along with an exception to the licensing requirements, the department may limit or restrict a license issued to you and/or require you to enter into a compliance agreement to ensure the safety and well-being of the children in your care.

(7) You do not have appeal rights if the department in its discretion denies your request for an exception to ~~((our))~~ the minimum licensing requirements.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0090 Does the department issue probationary license?** (1) The department may issue a probationary license as part of a corrective action plan with a licensed provider.

(2) The department ~~((must))~~ will base its decision as to whether a probationary license will be issued on a consideration of the following:

(a) Intentional or negligent noncompliance with the licensing rules;

(b) A history of noncompliance with the rules;

- (c) Current noncompliance with the rules;
- (d) Evidence of a good faith effort to comply; and
- (e) Any other factors relevant to the specific situation.

(3) A probationary license may be issued for up to six months. At its discretion, the department may extend the probationary license for an additional six months. A decision not to issue a probationary license is not subject to appeal.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0095 When are licenses denied, suspended or revoked?** (1) A license must be denied, suspended or revoked if the department decides that you cannot provide care for children in a way that ensures their safety, health and well-being.

(2) The department must, also, disqualify you for any of the following reasons ~~((that follow-))~~:

(a) You have been disqualified by your background check (see chapter 388-06 WAC).

(b) You have been found to have committed child abuse or neglect or you treat, permit or assist in treating children in your care with cruelty, indifference, abuse, neglect, or exploitation, unless the department determines that you do not pose a risk to a child's safety, well-being, and long-term stability.

(c) You or anyone living on the premises had a license denied or revoked from an agency that ~~((provided))~~ regulates care ((to)) of children or vulnerable adults, unless the department determines that you do not pose a risk to children or vulnerable adults.

(d) You try to get a license by deceitful means, such as making false statements or ~~((leaving out important))~~ omitting critical information on the application.

(e) You commit, permit or assist in an illegal act on the premises of a home or facility providing care to children.

(f) You are using illegal drugs, or excessively using alcohol and/or prescription drugs.

(g) You knowingly allowed employees or volunteers who made false statements or omit critical information on their applications to work at your agency.

(h) You knowingly allowed employees or volunteers who use illegal drugs, alcohol, or prescription drugs that affect their ability to perform their job duties to work at your agency or be on the premises when children are present.

(i) You repeatedly lack qualified or an adequate number of staff to care for the number and types of children under your care. Repeatedly means more than twice during a six-month period.

~~((+))~~ (j) You have refused to allow our authorized staff and inspectors to have requested information or access to your facility, child and program files, and/or your staff and clients.

~~((+))~~ (k) You are unable to properly manage the property, fiscal responsibilities, or staff in your agency.

~~((+))~~ (l) You have failed to comply with the federal and state laws for any Native American children that you have under care.

#### NEW SECTION

**WAC 388-148-0098 When is an employee or volunteer disqualified from having unsupervised access to a child in a licensed home, facility, or agency?** The department must disqualify an employee or volunteer of a licensed home, facility, or agency from having unsupervised access to a child(ren) when he or she:

(1) Has a disqualifying background check (see chapter 388-06 WAC);

(2) Has been found to have committed child abuse or neglect or have treated, permitted, or assisted in treating children with cruelty, indifference, abuse, neglect, or exploitation;

(3) Had a license denied or revoked from an agency that regulates the care of children or vulnerable adults;

(4) Attempted to become employed, volunteer, or otherwise have unsupervised access to children by deceitful means, such as making false statements or omitting critical information on an application to work or volunteer at a licensed home, facility, or agency;

(5) Used illegal drugs, alcohol, or prescription drugs that affected their ability to perform their job duties while on the premises when children are present; or

(6) Has committed, permitted, or assisted in an illegal act on the premises of a home or facility providing care to children.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0100 Are there any other reasons that might cause me to lose my license? ((+))** The department may suspend or revoke your home or facility license if you:

(1) Exceed the conditions of your home or facility license by:

(a) Having more children than the license allows;

(b) Having children with ages or genders different than the license allows;

(c) Failing to provide a safe, healthy and nurturing environment for children under your care; or

(d) Failing to comply with any of ~~((or))~~ the other licensing requirements~~((or~~

~~((or~~)).

(2) Fail to meet the health and safety requirements to receive a certificate of compliance as required by the department of health and/or ~~((office of the state Fire Marshal.~~

~~((2))~~ The department must suspend your license to provide care to children, if we receive a notice from the division of child support that you are not in compliance with a support order.

Note: The governing authority is RCW 43.20A.205 and 74.20A.320.

~~((3))~~ The suspension of your license for noncompliance of a support order would be effective the date you receive a notice that we received the certificate of noncompliance from the division of child support.

~~((4))~~ Your license would remain suspended until you provide proof that you are in compliance with the child support order.

(5) You would not have a right to an administrative hearing based on a suspension of your license due to noncompliance of a child support order) the Washington state patrol fire protection bureau.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0110 What may I do if I disagree with your decision to modify, deny, suspend or revoke my license?** You have the right to appeal any decision the department makes to deny, modify, suspend, or revoke your license.

(1) You may request ~~((a department))~~ an administrative hearing to disagree with the department's decision to modify, suspend, revoke or deny your license.

(2) You must request ~~((a department))~~ an administrative hearing within twenty-eight days of receiving a certified letter with the department's decision (see chapter 34.05 RCW).

(3) You must send a letter to the office of administrative hearings, P.O. Box ~~((42489))~~ 42488, Olympia, Washington ~~((98504-2489))~~ 98504-2488, 1-800-583-8271 requesting an administrative hearing. The letter must have the following attachments:

(a) A specific statement of your reasons for disagreeing with the department decision and any laws that relate to your reasons; and

(b) A copy of the certified letter from the department that you are disputing.

(4) The administrative hearing will take place before an ~~((employee of))~~ administrative law judge employed by the office of administrative hearings.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0120 What incidents involving children must I report?** (1) You or your staff must report ~~((any of the following incidents immediately))~~ the incidents contained in WAC 388-148-0120(2), as soon as possible and in no instance later than forty-eight hours to your local:

(a) Children's administration intake staff, and

(b) The child's social worker or case manager.

(2) The incidents to be reported include:

(a) Any reasonable cause to believe that a child has suffered child abuse or neglect;

(b) Any violations of the licensing or certification requirements where the health and safety of a foster child is at risk and the violations are not corrected immediately;

(c) Death of a child;

(d) Any child's suicide attempt that results in injury requiring medical treatment or hospitalization;

(e) Any use of physical restraint that is alleged ~~((improper))~~ improperly applied or excessive;

(f) Sexual contact between two or more children that is not considered typical play between preschool age children;

(g) Any disclosures of sexual or physical abuse by a child in care;

(h) Physical assaults between two or more children that result in injury requiring off-site medical ~~((treatment))~~ attention or hospitalization;

(i) ~~((Unexpected health problems that require))~~ Physical assaults of foster parent or staff by children that result in injury requiring off-site medical ~~((treatment))~~ attention or hospitalization;

(j) Any medication that is given incorrectly and requires off-site medical ~~((treatment;))~~ attention; or

(k) Serious property damage or other significant licensing requirement that is a safety hazard and is not immediately corrected ~~((; or~~

(l) Any emergent medical care)) or may compromise the continuing health and safety of children.

(3) You or your staff must report ~~((immediately))~~ the following incidents as soon as possible or in no instance later than forty-eight hours, ~~((any of the following incidents))~~ to the child's social worker, if the child is in the department's custody or to the case manager if placed with a child-placing agency program:

(a) Suicidal/homicidal ideations, gestures, or attempts that do not require professional medical treatment;

(b) Unexpected health problems outside the anticipated range of reactions caused by medications, that do not require professional medical ~~((treatment))~~ attention;

(c) Any incident of medication incorrectly administered;

(d) Physical assaults between two or more children that result in injury but did not require professional medical ~~((treatment))~~ attention;

(e) Runaways; ~~((and))~~

(f) Any emergent medical or psychiatric care that requires off-site attention; and

(g) Use of prohibited physical restraints for ~~((routine))~~ behavior management as described in WAC 388-148-0485.

(4) Programs providing care to medically fragile children who have nursing care staff on duty may document the incidents described in WAC 388-148-0120 (3)(b)(c) in the facility daily logs, rather than contacting the social worker or case manager, if agreed to in the child's ISSP.

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

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0125 What are your requirements for keeping client records?** (1) Any identifying and personal information about a child and the child's family must be kept confidential.

(2) You must keep records about children and their families in a secure place. For foster homes, if the child is in the department's custody, at the end of the child's placement, reports and information written by ~~((others))~~ the department about the child or the child's family must be returned to the child's social worker.

(3) During a placement in your foster home, your records must be kept at your home and contain, if available, at a minimum, the following information:

(a) The child's name, birth date, and legal status;

(b) Name and telephone number of the social worker for each child in care;

(c) Names, address and telephone numbers of parents or persons to be contacted in case of emergency;

(d) Information on specific cultural needs of the child;

(e) Medical history including any medical problems, name of doctor, type of medical coverage and provider;

(f) Mental health history and any current mental health, chemical dependency, and behavioral issues, including medical and psychological reports when available;

(g) Other pertinent information related to the child's health, including dental records;

(h) ~~((Record of))~~ Immunizations((-)) are not required to be current for children placed in:

(i) Receiving and interim care homes and facilities ~~((do not need to keep records of immunizations for children in their care less than thirty days.));~~

(ii) Crisis residential centers ~~((do not need to keep records of immunizations for children in their care.));~~ and

(iii) A foster home licensed by a child-placing agency to provide emergency respite services to parents on a voluntary placement agreement.

Note: If a child's placement extends beyond thirty days, you must obtain the child's immunization records. If the child is not current with immunization, they must be updated as soon as medically possible.

(i) Child's school records, report cards, school pictures, and individual education plans (IEP);

(j) Special instructions including supervision requirements and suggestions for managing problem behavior;

(k) Inventory of the child's personal belongings at the time of placement; and

(l) The child's visitation plan.

(4) During a child's placement in a ~~((staffed residential home or a group care program, your records))~~ home or facility, the child's record must be kept secure at ~~((your))~~ the site and contain, at a minimum, the following information in addition to the information in subsection (3)(a) through (l) of this section:

(a) Written consent from the child placing agency, if any, for providing medical care and emergency surgery (unless that care is authorized by a court order);

(b) Names, addresses, and telephone numbers of persons authorized to take the child under care out of the facility;

(c) A copy of the court order or voluntary placement agreement that gives approval to place the child;

(d) Case plans, such as children's administration's "individual service and safety plan (ISSP);" and

(e) ~~((Daily logs))~~ Documentation of therapy treatment received by children with the signature of the person making the entry ~~((in the log))~~ to the therapy or progress notes.

(5) If you operate a group care program, staffed residential home, or child-placing agency and have client files with information not returned to the department, you must keep them for six years following the termination or expiration of any contract you have with the department.

#### NEW SECTION

**WAC 388-148-0127 What are the requirements for information kept in facility logs for staffed residential homes and group care programs?** (1) Staffed residential homes and group care programs must document the following information for each shift:

(a) Serious child health or safety issues;

(b) Dates and illnesses or accidents while in care;

(c) Medications and treatments given with the child's name;

(d) After-hours telephone number of the supervisor;

(e) On-call and relief staff on premises during emergencies; and

(f) The signature of the staff person reviewing the log.

(2) Staffed residential homes and group care programs must keep current:

(a) Medication logs;

(b) Incident logs, including a copy of any suspected child abuse and/or neglect referrals made to children's administration; and

(c) Daily or shift logs.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0130 What information may I share about a child or a child's family?** (1) Information about a child or the child's family is confidential and must only be shared with people directly involved in the case plan for a child. ~~((Confidential information must not be shared with:~~

~~(a) Friends;~~

~~(b) Relatives;~~

~~(c) Neighbors.))~~

(2) You may discuss information about the child, the child's family and the case plan only with:

(a) A representative of the department, including staff from DCFS and DLR; department of health and the office of the state fire marshal;

(b) A child-placing agency case manager assigned to the child;

(c) The child's assigned guardian ad litem or court-appointed special advocate; or

(d) Others designated by the child's social worker.

(3) You may check with your child's social worker for guidance about sharing information with the child's teacher, counselor or doctor, respite care provider or any other professional.

(4) Child-placing agencies and the department must share with the child's care provider any information about the child and child's family related to the case plan.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0135 What changes to my home or facility must I report to my licensor?** (1) You must report to your licensor immediately any changes in the original licensing application. Changes include any of the following:

(a) Changes in your location or designated space, including address;

- (b) Changes in your phone number;
- (c) Changes in the maximum number, age ranges, and sex of children you wish to serve;
- (d) Changes in the structure of your facility or premises from events causing damage, such as a fire, or from remodeling;
- (e) Addition of any new staff person, employee, intern, contractor, or volunteer, who might have unsupervised contact with the children in care; or
- (f) Changes in household composition, such as:
  - (i) A marriage, separation or divorce;
  - (ii) Incapacity or serious physical or mental illness of a foster parent or member of the household;
  - (iii) The death of anyone in the household;
  - (iv) A change in employment status or significant change in income; or
  - (v) A change in who resides in the household or is on the premises for more than fourteen days.

(g) Any arrests or convictions that occur between the date of your license and the expiration date of your license for you or anyone sixteen years or older residing at your home.

(2) A license is valid only for the person or organization named on the license ~~((at a))~~ and only for the specific address listed on the license. If you operate a group facility or child-placing agency, you must also report any of the following changes to your licensur:

- (a) A change of your agency's executive director or any staff changes;
- (b) The death, retirement, or incapacity of the person who holds the license;
- (c) A change in the name of a licensed corporation, or the name by which your facility is commonly known; or
- (d) Changes in an agency's articles of incorporation and bylaws.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0140 What personnel policies must I have?** (1) You must ~~((follow the))~~ comply with federal and state anti-discrimination laws related to personnel ((requirements listed below, at any home or facility we license)) policies and procedures.

~~((1) Each employee, intern, contractor, or volunteer who has unsupervised access to children must have completed an application for employment and signed a form enabling us to do a))~~ You must keep a background check ((chapter 388-06 WAC)) log that contains information on dates of request and completion of the checks.

(2) ~~((Misrepresentation by the prospective employee, interns, or volunteer will be grounds for termination or denial of employment or volunteer service.~~

(3) If you have five or more staff, volunteers, or interns you must have written policies covering qualifications, training, and duties for employees, interns, and volunteers.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0150 Are local ordinances part of ((your)) the licensing requirements?** (1) You are responsi-

ble for complying with local ordinances (laws), such as zoning regulations and local building codes((, fall outside the scope of our licensing requirements)).

(2) ~~((We))~~ The department may require you to provide proof that you ((have met)) are complying with local ordinances.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0165 ~~((Do I need to be concerned about))~~ What are the requirements regarding the location of my home or facility?** (1) Your address must be clearly visible on the home, facility, or mailbox so that firefighters or medics can easily find your location.

(2) Your home or facility must be accessible to emergency vehicles.

(3) Your home or facility must be located on a well-drained site, free from hazardous conditions. The safety of the children in care is paramount. You must discuss with the licensur any potential hazardous conditions, considering the children's ages, behaviors, and abilities.

(4) A supervision plan must be written for ~~((the children))~~ each child in care if ~~((it is decided))~~ the department determines that hazardous conditions are present. Some examples of hazards are natural or man-made water hazards such as lakes or streams, steep banks, ravines, and busy streets.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0170 What steps must I take to ensure children's safety around outdoor bodies of water?** (1) You must ensure children in your care or placed in your home or facility are safe around bodies of water.

(2) You must daily empty and clean any portable wading pool that children use.

(3) Children under twelve must be in continuous visual or auditory range at all times, when ~~((they))~~ the children are swimming, wading, or boating, by an adult with current age appropriate first aid and CPR.

(4) You must ensure age and developmentally appropriate supervision of any child that uses hot tubs, swimming pools, spas, and around man-made and natural bodies of water.

(5) All safety devices and rescue equipment, such as personal flotation devices must meet state and federal water safety regulation.

(6) You must lock or secure hot tub and spa areas when they are not in use.

~~((6))~~ (7) You must place a fence designed to discourage climbing and have a locking gate around a pool or have another DLR approved safety device. The pool must be inaccessible to children when not in use.

(8) Foster homes with pools must have a written safety and supervision plan for each child.

(9) Individuals supervising children in foster homes and staffed residential homes licensed for five or fewer children must know how and be able to use rescue equipment or have

a current life-saving certification, when children are using a pool on the premises.

(10) All group care facilities and staffed residential homes licensed for six children must have a person with current life-saving certification on-duty when children are using a pool at the facility.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0180 Are alcoholic beverages or illegal drugs allowed at my home or facility?** (1) In a foster home, you may have alcoholic beverages on the premises as long as they are inaccessible to children. If alcohol is on the premises of a foster home the issue must be addressed in the child's safety plan.

(2) ~~((Any other))~~ Licensed homes and facilities must not have illegal drugs on the premises.

(3) A group care facility or staffed residential home must not have alcohol or illegal drugs on the premises. The staff of these facilities may not consume alcohol or illegal drugs on the premises or during breaks.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0185 Is smoking permitted around children?** (1) You must prohibit smoking in the living space of any home or facility caring for children and in motor vehicles while transporting children.

(2) You may permit adults to smoke outdoors away from children.

(3) Nothing in this section is meant to interfere with traditional or spiritual Native American or religious ceremonies involving the use of tobacco.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0200 Do I need first-aid supplies?** (1) You must keep first-aid supplies, and additional medications recommended by a child's physician, on hand for immediate use (, including unexpired syrup of ipecac that is to be used only when following the instruction of the poison control center). You must keep the telephone number of the poison control center with the first aid supplies and you must post the number on or near your telephone.

(2) The following first-aid supplies must be kept on hand:

- (a) Barrier gloves and one-way resuscitation mask;
- (b) Bandages;
- (c) Scissors and tweezers;
- (d) Ace bandage;
- (e) Gauze; and
- (f) Thermometer.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0210 What requirements do I need to follow when I transport children?** When you transport children under your care, you must follow these requirements.

(1) The vehicle must be kept in a safe operating condition.

(2) The driver must have a valid driver's license.

(3) There must be at least one adult other than the driver in a vehicle when:

(a) There are more than five preschool-aged children in the vehicle;

(b) Staff-to-child ratio guidelines or your contract require a second staff person; or

(c) The child's specific needs require a second adult person.

(4) The driver or owner of the vehicle must be covered under an automobile liability ~~((and))~~ insurance policy.

(5) Your vehicles must be equipped with, seat belts, car seats and booster seats, and/or other appropriate safety devices for all passengers as required by law.

(6) The number of passengers must not exceed the vehicle's seat belts.

(7) Buses approved by the state patrol are not required to have seat belts.

(8) All persons in the vehicle must use seat belts or approved child passenger restraint systems, as appropriate for age, whenever the vehicle is in motion.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0220 What fire safety requirements must I follow to qualify for a license?** (1) If you operate a ~~((program or))~~ group care facility ~~((other than a foster home,))~~ or a staffed residential home ~~((, or child placing agency))~~ licensed for six children, you must ~~((follow))~~ comply with the regulations developed by the chief of the Washington state ~~((Fire Marshal's office))~~ patrol through the director of the fire protection bureau (WSP/FPB). The regulations are minimum requirements for protecting life and property against fire. ~~((You can find these.))~~ They are contained in the current ~~((Uniform Fire Code with))~~ adopted fire code and Washington state amendments as adopted by the state of Washington. Contact the WSP/FPB for specific requirements.

(2) All foster homes and those staffed residential homes ~~((need))~~ licensed for five or fewer children must have inspections by ~~((fire marshal or))~~ WSP/FPB or the local fire ~~((department if))~~ authority only if, either:

(a) ~~((Licensors))~~ The licensor request the inspections due to questions of fire safety; or

(b) Local ordinances or WSP/FPB require these inspections.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0225 What fire safety requirements are there for exits?** ~~((You))~~ (1) Group care facilities and

staffed residential home licensed for six children must comply with the Washington state patrol protection bureau regulations regarding exits.

(2) All foster homes and those staffed residential home licensed for five or fewer children must comply with the fire safety requirements that follow concerning ~~((exists))~~ exits from homes ~~((and facilities))~~.

~~((1))~~ (a) Exit doors and rescue windows must be easily and quickly opened ~~((to the fully open position))~~ from the inside without requiring a key or special instructions.

~~((2))~~ Locks on outside exit doors must automatically unlock when the doorknob is turned from the inside.

~~((3))~~ Except in foster homes, night latches, dead bolts, security chains, manually operated edge or surface mounted flush bolts and surface bolts must not be used.

~~((4))~~ (b) Each home and facility must have at least one swinging exit door that is pivoted or hinged on the side.

~~((5))~~ Other exit doors in your home or facility may be sliding doors.

~~((6))~~ (c) Each home or facility must have two ~~((exits, located at opposite ends of the building or))~~ means of exit, from the apartment, house, or facility, with at least one exit on each floor. The requirement for one of the two exits may be deleted if:

~~((a))~~ (i) A residential sprinkler system (complying with the ~~((state fire Marshal standards))~~ WSP/FPB regulations and the currently adopted edition of the National Fire Protection Association (N.F.P.A.) #13) is provided throughout the entire building; and

~~((b))~~ (ii) The remaining exit is a door.

~~((7))~~ (d) Every occupied area must have access to ~~((at least))~~ one exit ~~((that does not pass through rooms or spaces that can)).~~ Such exits may not be locked or blocked from the opposite side.

~~((8))~~ (e) Obstacles must not be placed in corridors, aisles, doorways, exit doors, stairways, ramps, or ~~((rescue))~~ windows that could delay exiting in case of emergency.

~~((9))~~ (f) Barriers to exiting must be restricted to baby gates or ~~((other))~~ DLR-approved electronic monitoring devices that ~~((are easily opened and))~~ do not delay exiting in case of emergency.

~~((10))~~ (g) Stoves or heaters must not block escape or exit routes.

~~((11))~~ (h) Flammable, combustible, or poisonous material must be stored away from exits and away from areas that are accessible to children under care.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0230** Are there other fire safety requirements for inside a foster home or ~~((facility))~~ staffed residential home licensed for five or fewer children? ~~((Yes))~~ All foster homes and those staffed residential homes licensed for five or fewer children must comply with the fire safety requirements that follow.

(1) Every ~~((room))~~ bedroom used by children under care must have easy entry and exit, including one of these features:

(a) Two separate doors; or

(b) One door leading to an area with an exit; and

(c) A window that opens to the outside and is large enough for emergency ~~((escape or rescue))~~ personnel or rescuer access.

(2) No space may be lived-in by the children in care that is accessible only by a ladder, folding stairs, or a trap door.

(3) Every bathroom door lock must be designed to permit the opening of the locked door from the outside.

(4) Every closet door latch must be designed to be opened from the inside.

(5) Open-flame devices and fireplaces, heating and cooking appliances, and products capable of igniting clothing must not be left unattended or used incorrectly.

(6) Fireplaces, wood stoves and other heating systems that have a surface hot enough to cause a burn must have a barrier to prevent access by children under age six years.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0235** What are ~~((your))~~ the requirements for smoke detectors for foster homes and staffed residential homes licensed for five or fewer children? (1) ~~((Yes))~~ All foster homes and those staffed residential homes licensed for five or fewer children must place a smoke detector in good working condition in each bedroom or in areas close to where children sleep, such as a hallway. If the smoke detector is mounted on the wall, it must be twelve inches from the ceiling and a corner.

(2) If a sleeping or napping room has a ceiling height that is at least twenty-four inches higher than its adjoining hallway, you must install a smoke detector in both the hallway and the sleeping or napping room.

(3) ~~((In foster homes,))~~ Smoke detectors must be tested twice a year to ensure they are in working order.

(4) Document date and time of test.

(5) If questions arise concerning fire danger, the local fire protection authority must be consulted.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0240** What are ~~((your))~~ the requirements for fire extinguishers in homes and facilities? (1) ~~((Yes))~~ All homes and facilities must have readily available at least one approved 2A10BC-rated or larger all purpose (ABC) fire extinguisher.

Note: Approved 2A10BC-rated means a fire extinguisher with an Underwriters' Laboratory label on the nameplate classifying the extinguisher as 2A10BC-rated. These extinguishers are usually multipurpose, five-pound dry chemical units.

(2) Approved fire extinguisher(s) must be located in the area of the normal path of exiting. The maximum travel distance to an extinguisher from any place on the premises must not exceed seventy-five feet. When the travel distance exceeds seventy-five feet, additional extinguisher(s) are required.

(3) Fire extinguishers must be ready for use at all times.



(4) Fire extinguishers must be kept on a shelf or mounted in a bracket so that the top of the extinguisher is not more than five feet above the floor.

(5) Fire extinguishers must receive a maintenance certification by a licensed firm specializing in this work, based on the manufacturer's recommended schedule. Maintenance means a thorough check of the extinguisher for:

- (a) Mechanical parts;
- (b) Extinguishing agent; and
- (c) Expelling means.

(6) Exception: New fire extinguishers do not need to receive an additional certification test during the first year.

(7) For all foster homes and staffed residential homes licensed for five or fewer children, if local fire authorities require installation of a different type or size of fire extinguisher, those requirements apply instead of the departments, as long as at least the minimum size is maintained.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0245 What fire escape measures must be taken for multilevel homes and facilities?** (1) Multilevel (~~(dwellings)~~) homes and facilities must have a means of escape from an upper floor.

(2) If a fire ladder is needed to escape from an upper story window, it must be functional and stored in a location that is easily accessible.

(3) For all foster homes and those staffed residential homes (~~(, a)~~) licensed for five or fewer children, the local fire (~~(department official)~~) authority may be consulted to determine if a fire ladder is needed to ensure adequate safety.

(4) For group care programs (~~(, this determination is made by the state fire marshal)~~) and staffed residential homes licensed for six children fire escape measures from multi-level buildings is determined by the WSP/FPB representative.

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

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0250 What fire safety instructions must I give to children residing in a home or facility?** (1) You must instruct children, under your care, who are capable of understanding and following emergency evacuation procedures (~~(and)~~) how to exist the building in case of fire.

(2) You must conduct fire drills at (~~(regular)~~) quarterly intervals or as required by WAC 212-12-044 by the WSP/FPB to test and practice (~~(the)~~) evacuation procedures.

(3) Any simulated fire drills for medically fragile or non-ambulatory children must meet WAC 212-12-005 as required by the WSP/FPB.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0255 What are the requirements for a fire evacuation plan?** (1) You must develop a written fire evacuation plan for your home or facility. The evacuation plan must include an evacuation floor plan, identifying exit doors and windows. Except in foster homes, the plan must be posted at each exit door.

(2) You must ensure that the plan includes:

- (a) Action to take by the person discovering a fire;
- (b) Methods for sounding an alarm on the premises;
- (c) Action to take for evacuating the building that ensures responsibility for the children; (~~(and)~~)

(d) Action to take while waiting for the fire department; and

(e) If the use of a fire ladder is part of the evacuation plan it must be inspected at least annually to ensure it is in working order.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0260 What are the general requirements for bedrooms?** You must meet all of the following requirements for bedrooms if you provide full-time care in a home or facility.

(1) An adult must be on the same floor or within easy hearing distance and (~~(accessibility)~~) access to where children under six years of age are sleeping. Infants under age one year must be on the same floor as an adult.

(2) You must use only bedrooms that have unrestricted direct access to hallways, corridors, living rooms, day rooms, or other such common use areas.

(3) You must not use hallways, kitchens, living rooms, dining rooms, and unfinished basements as bedrooms.

(4) For facilities licensed after December 31, 1986, bedrooms must have both:

(a) Adequate ceiling height for the safety and comfort of the occupants. Normally, this would be seven and a half feet; and

(b) A window (~~(of not less than one-tenth of the required floor space)~~) that can open into the outside, allowing natural light into the bedroom and permitting emergency access or exit.

(5) (~~(For any)~~) Foster children (six years of age and over, you must furnish separate sleeping quarters for each) must not share the same bedroom with children six years or older of a different gender.

(6) Children in care must not share the same bed.

(7) In group care facilities and staffed residential homes licensed for six children, single occupancy bedrooms must provide at least fifty square feet of floor space.

(8) In foster homes and staffed residential homes licensed for five or fewer children, single occupancy bedrooms must provide adequate floor space for the safety and comfort of the child. Normally, this would be at least fifty square feet of floor space, not including closets.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0265 What are additional requirements for bedrooms ((having)) for more than one person?**

(1) You must not allow a child over one year of age to share a bedroom with an adult who is not the child's parent. A foster child over one year may share the bedroom of the foster parent(s) for close supervision due to the child's medical or developmental condition. A written recommendation of the child's physician is required.

(2) There must be no more than four persons to a bedroom.

(3) Multiple occupancy bedrooms must provide adequate floor space for safety and comfort of the children. Normally this would be at least fifty square feet of floor space per occupant, not including closets.

(4) When a mother and her infant sleep in the same room, the room must contain at least eighty square feet of usable floor space.

(5) You must allow only one mother and her newborn infant(s) to occupy a bedroom.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0270 What are the requirements for beds?** (1) Each child in care must have a bed of his or her own.

(2) For each child in care, you must provide a bed at least ~~((thirty))~~ twenty-seven inches wide with a clean and comfortable mattress in good condition, pillow, sheets, blankets, and pillowcases. Each child's pillow must be covered with waterproof material or be washable.

(3) Bedding must be clean.

(4) You must provide waterproof mattress covers or moisture resistant mattresses, if needed.

(5) You must provide an infant with a crib that ensures the safety of the infant and complies with chapter 70.111 RCW, Infant Crib Safety Act.

(6) Cribs must have no more than two and three-eighths inches space between vertical slats when used for infants under six months of age.

(7) Cribs, infant beds, bassinets, and playpens must:

(a) Have clean, firm, snug fitting mattresses covered with waterproof material that is easily sanitized; and

(b) Be made of wood, metal, or approved plastic with secure latching devices.

(8) Crib bumpers, stuffed toys and pillows must not be used in cribs, infant beds, bassinets, or playpens with an infant unless advised differently by the child's physician.

(9) You must follow the recommendation of the American Academy of Pediatrics, 1-800-505-CRIB, placing infants on their backs each time for sleep, unless advised differently by the child's physician.

(10) You may use toddler beds with a standard crib mattress that is sufficient in length and width for the comfort of children under six years of age.

(11) You must not allow children to use the loft style beds or upper bunks of double-deck beds if using them due to age, development or condition could hurt them. Examples:

Preschool ((age)) children, expectant mothers, and children with ((disabilities)) a disability.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0275 Do I need a telephone at my home or facility?** The department has two requirements for the telephone that you must meet at your home or facility.

(1) You must have at least one telephone on the premises for incoming and outgoing calls. The telephone must be accessible for emergency use at all times.

(2) You must post emergency phone numbers next to the phone, or at a specified place for easy access.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0300 How must I ventilate my home or facility?** You must ensure that your physical facility is ventilated for the health and comfort of the persons under your care. ~~((A mechanical exhaust to the outside must ventilate toilets and bathrooms that do not have windows opening to the outside.))~~

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0305 What are ((your)) the requirements for laundry facilities?** The department has specific requirements for laundry facilities at your home or facility.

(1) You must have separate and adequate facilities for storing soiled and clean linen.

(2) You must provide adequate laundry and drying equipment, or make other arrangements for getting laundry done on a regular basis.

(3) Except for foster homes, you must locate laundry equipment in an area separate from the kitchen and child care areas ((unless you are doing foster care in your home)).

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0315 What are ((your)) the requirements for toilets, sinks, and bathing facilities?** You must meet certain requirements for toilets, sinks, and bathing facilities.

(1) You must provide at least one indoor flush-type toilet, one nearby hand-washing sink with hot and cold running water, and a bathing facility.

(2) You must comply with all of the following requirements for toilet and bathing facilities:

(a) Toilet and bathing facilities must allow privacy for children who are five years of age or older and opposite genders.

(b) Toilet, urinals, and hand-washing sinks must be the appropriate height for the children served, or have a safe and easily cleaned step stool or platform that is water-resistant.

(c) Hand-washing and bathing facilities must be provided with hot running water that does not exceed one hundred twenty degrees.

(d) All bathing facilities must have a conveniently located grab bar unless we approve other safety measures, such as nonskid pads.

(e) You must provide potty-chairs and toilet training equipment for toddlers. You must regularly maintain this equipment and keep it in sanitary condition. You must put potty-chairs, when in use, on washable, water-resistant surfaces.

(f) In group care facilities, whenever urinals are provided, the number of urinals must not replace more than one-third of the total number of required toilets.

(g) You must provide soap and clean towels, disposable towels or other approved hand-drying devices to the persons under your care.

(h) In programs providing care to expectant mothers:

(i) Bathing facilities must have adequate grab bars in convenient places; and

(ii) Except in foster homes, all sleeping areas must have at least one toilet and hand-washing sink on the same floor.

(3) ~~((There shall be at least one indoor flush-type toilet and one nearby handwashing sink with hot and cold or tempered running water.))~~ The following ratios of persons normally on the premises to bathrooms at the facilities shall apply:

	Toilets	Handwashing Sinks	Bathing Facilities
Group care <del>((programs and))</del> facilities <u>and SRH licensed for six children</u>	Two minimum and 1:8 ratio	Two minimum and 1:8 ratio	One minimum and 1:8 ratio
Foster <del>((family-home))</del> homes and staffed residential <del>((home))</del> homes <u>licensed for five or fewer children</u>	One minimum	One minimum	One minimum

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0320 What are the requirements about drinking water?** ~~((1))~~ You must provide the following:

~~((a))~~ (1) A public water supply or a private water supply approved by the local health authority at the time of licensing or relicensing; and

~~((b))~~ (2) Disposable paper cups, individual drinking cups or glasses, or angled jet type drinking fountains.

~~((2) You must not use bubbler type fountains or common drinking cups.))~~

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0325 What are the requirements for sewage and liquid wastes?** You must discharge sewage and liquid wastes into a public sewer system or into a functioning

septic system, or department of health approved alternative system.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0335 When must I get ~~((medical exams for the children))~~ a physical exam for a child under my care?** (1) ~~((You, together with the child's social worker, must schedule a medical exam for any child who, within the past year, has not:~~

~~(a) Been under regular medical supervision; or~~

~~(b) Had a physical exam by a physician, a physician's assistant, or an advanced registered nurse practitioner (ARNP).))~~

~~((2))~~ A physical exam (EPSDT) must be completed ~~((within))~~ for any child in care more than thirty days ~~((of placement and annually thereafter)), who within the past year, has not had a physical exam by a physician, a physician's assistant, or an advanced registered nurse practitioner (ARNP).~~

(2) In consultation with the child's social worker and physician, you must schedule an early and periodic screening, diagnosis and treatment (EPSDT) exam by a physician, a physician's assistant, or an advanced registered nurse practitioner (ARNP) according to the published frequency schedule.

Note: You may contact the child's social worker for information on this.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0340 What are ~~((your))~~ the requirements for immunizations for children?** (1) ~~((To receive care from you, children must have proof of current immunizations.))~~ Contact the child's social worker before beginning any immunization schedule to avoid duplication of immunizations.

(2) You may accept a child who has not received all immunizations on a conditional basis if immunizations are started as soon as medically possible.

(3) If you are providing care and have minor children of your own who are on the premises of a home or facility, your children must have proof of current immunizations.

(4) The department may give conditional approval for any of your own children who have not received all immunizations as long as their immunizations are started soon as medically possible.

(5) The department may grant exceptions to this requirement for immunizations for your children in two situations:

(a) You, as parent or guardian, have signed a statement indicating your religious, philosophical or personal objections to the requirement; or

(b) You have a physician's statement indicating that a valid medical reason exists for not obtaining immunizations for your own child.

PROPOSED

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0345** **What must I do to prevent the spread of infections and communicable diseases?** You must take precautions to guard against infections and communicable diseases infecting the children under care in your home or facility.

**General communicable diseases and infections**

(1) In each home or facility, other than a foster home, staff with a reportable communicable disease or notifiable disease condition, as defined by the department of health, in chapter 246-101 WAC, in an infectious stage must not be on duty until they have a physician's approval for returning to work.

(2) Each home or facility, other than a foster home, that cares for (~~severely and multiple handicapped~~) medically fragile children and children with a severe developmental disability must have an infection control program supervised by a registered nurse.

(3) Foster homes (~~with~~) and staffed residential homes licensed for five or fewer children who are medically fragile (~~children~~) may use other alternatives, such as in-home nursing services, to consult on infection control procedures.

**Tuberculosis**

(4) Applicants for a license or adults authorized to have unsupervised access to children in a home or facility must have a tuberculin (TB) skin test by the Mantoux method of testing. They must have this skin test upon being employed or licensed unless:

(a) The person has evidence of testing within the previous twelve months;

(b) The person has evidence that they have a negative chest X ray since a previously positive skin test;

(c) The person has evidence of having completed adequate preventive therapy or adequate therapy for active tuberculosis.

(5) The department does not require a tuberculin skin test if:

(a) A person has a tuberculosis skin test that has been documented as negative within the past twelve months; or

(b) A physician indicates that the test is medically undetectable.

(6) Persons whose tuberculosis skin test is positive must have a chest X ray within thirty days following the skin test.

(7) The department does not require retesting for license renewals unless a person believes they have been exposed to someone with tuberculosis or if testing is recommended by their health care provider.

(8) The facility must keep the results of the applicant and employees TB test results in the personnel file available for review by DLR.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0350** (~~How do I manage medications~~) **What are the requirements for obtaining consent for medical care for children under my care?** (~~(1) You must meet the department's requirements for managing pre-~~

~~scription and nonprescription medication for children under your care.~~

~~(2) If you care for children in the custody of a tribal court you must follow the direction of that court regarding giving or applying prescription and nonprescription medications or ointments.~~

~~(3) Only you or another authorized care provider may give or have access to medications for the child under your care;~~

~~(4) Give medications, prescription and nonprescription, only on the written approval of a parent, person or agency having authority by court order to approve medical care;~~

~~(5) Except for foster homes, keep a record of all medications you give a child;~~

~~(6) Foster homes must keep a record of all prescription medication given to foster children; and~~

~~(7) Properly dispose of medications that are no longer being taken or have expired.~~

**Prescription medications**

~~(8) You or another authorized care provider must:~~

~~(a) Give prescription medications:~~

~~(i) Only as specified on the prescription label; or~~

~~(ii) As otherwise approved by a physician or another person legally authorized to prescribe medication.~~

~~(b) Check with the physician or pharmacist about possible side effects for any prescription medications and interactions with nonprescription drugs the child is taking.~~

**Psychotropic medications**

~~(9) Care providers must not approve giving psychotropic medications to a child in care. Approval can only be given by one of these:~~

~~(a) The child's parent;~~

~~(b) Dependency guardians;~~

~~(c) A court order; or~~

~~(d) The child's social worker, if:~~

~~(i) The child is legally free and in the permanent custody of the department; or~~

~~(ii) It is impossible to obtain informed parental consent after normal work hours, on weekends, or on holidays.~~

~~(10) Children who are at least thirteen years old may decline to take prescription psychotropic medication. If this happens contact the child's social worker immediately.~~

**Nonprescription medications**

~~(11) Children taking psychotropic medications must have the prescribing physician's authorization before any nonprescription drugs are given.~~

~~(12) You or another authorized care provider must follow these requirements for nonprescription medications. You must:~~

~~(a) Give certain classifications of nonprescribed medications, only with the dose and directions on the manufacturer's label for the age and/or weight of the child needing the medication. These nonprescribed medications include but are not limited to:~~

~~(i) Nonaspirin antipyretics/analgesics, fever reducers/pain relievers;~~

~~(ii) Nonnarcotic cough suppressants;~~

~~(iii) Decongestants;~~

~~(iv) Antacids and anti-diarrhea medication;~~

- ~~(v) Anti-itching ointments or lotions intended specifically to relieve itching;~~
  - ~~(vi) Shampoo for the removal of lice;~~
  - ~~(vii) Diaper ointments and powders intended specifically for use in the diaper area of children;~~
  - ~~(viii) Sun screen; and~~
  - ~~(ix) Antibacterial ointments for first-aid use.~~
  - ~~(b) Give any other nonprescription medications only when approved in writing by a physician. These nonprescription medications may be given with a physician's standing order. Physician's standing orders must be patient specific.)~~
- (1) In general, the department is the legal custodian of a child in foster care. The department has the authority to consent to emergent and routine medical services on behalf of the child. The department delegates some of that authority to out-of-home placement providers (both foster parents and facility-based programs). You must contact the child's social worker or children's administration intake (emergency placements) for specific information for each child.
- (2) In case of medical emergency, contact children's administration intake as soon as possible.
- (3) If you care for children in the custody of another agency, tribal court or other court you must follow the direction of that agency or court regarding permission to provide consent for medical care.

#### NEW SECTION

#### **WAC 388-148-0352 What are the requirements for the management of medication for children in my care? General medication management requirements**

- (1) Medication must not be used for behavior control, unless prescribed for that purpose by a physician or another person legally authorized to prescribe medication.
- (2) Only you or another authorized care provider (such as a respite provider) are allowed to have access to medications for a child under your care.
- (3) You or another authorized care provider must give prescription and nonprescription medications:
  - (a) Only as specified on the prescription label; or
  - (b) As otherwise approved by a physician or another person legally authorized to prescribe medication.
- (4) If you care for children in the custody of another agency, tribal or other court you must follow the direction of that agency or court regarding giving or applying prescription and nonprescription medications.
- (5) Foster homes must keep a record of all prescription medication given to a foster child.
- (6) All licensees, except foster homes, must keep a record of all prescription and nonprescription medications given to children in care.

#### **Nonprescription medications**

- (7) You or another authorized care provider may give the following nonprescription medications according to product instructions, without prior approval of the department:
  - (a) Nonaspirin antipyretics/analgesics, fever reducers/pain relievers;
  - (b) Nonnarcotic cough suppressants;
  - (c) Decongestants;
  - (d) Antacids and anti-diarrhea medication;

- (e) Anti-itching ointments or lotions intended specifically to relieve itching;
- (f) Shampoo for the removal of lice;
- (g) Diaper ointments and powders intended specifically for use in the diaper area of children;
- (h) Sun screen for children over six months; and
- (i) Antibacterial ointments.

Note: Other nonprescription medications may be given with a physician's standing order, if the order is child specific.

#### **Prescription medications**

(8) Children taking prescription medications, internally, must have the prescribing physician's written authorization before any other medications, herbal supplements, remedies, vitamins, or minerals are given.

(9) You must notify the child's social worker of changes in prescribed medications.

(10) Except for foster homes, the disposal of any prescription medication must be documented and contain the following information:

- (a) What medication was disposed;
- (b) The name of the child the medication was prescribed for;
- (c) The amount disposed;
- (d) The name of the individual disposing of the medication; and
- (e) The name of the individual witnessing the disposal.

Note: You may consult with a pharmacist on the proper disposal of medications that are no longer being taken or have expired.

#### **Psychotropic medications**

(11) Care providers must not consent to giving or stopping a psychotropic medication. Consent to begin or to stop a psychotropic medication for a child can only be given by one of these:

- (a) The child's parent;
- (b) Dependency guardians based on the authority of the dependency guardianship court order;
- (c) A court order; or
- (d) The child's social worker, if:
  - (i) The child is legally free and in the permanent custody of the department; or
  - (ii) It is impossible to obtain informed parental consent after normal work hours, on weekends, or on holidays.

#### AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0355 May I accept medicine from a child's parent or guardian?** (1) The only medicine you may accept from the child's parent, guardian, or responsible relative is medicine in the original container labeled with:

- (a) The child's first and last ((names)) name;
- (b) The date the prescription was filled;
- (c) The medication's expiration date; and
- (d) Legible instructions for administration (manufacturer's instructions or prescription label) of the medication.

(2) You must notify the child's social worker when you receive a prescription from a child's parent or guardian.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0365 When may children take their own medicine?** (1) You may permit children under your care to take their own medicine as long as:

(a) They are physically and mentally capable of properly taking the medicine; and

(b) ~~((The social worker or guardian if they have custody, approves in writing.~~

~~((2))~~ (2) You must keep the written approval by the child's social worker in your records.

~~((3))~~ (2) When a child is taking their own medication, the medication and medical supplies must be kept locked ~~((so they are))~~ or inaccessible to unauthorized persons.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0375 How often must I feed children?**

(1) You must provide all children a minimum of three meals in each twenty-four-hour period. You may vary from this guideline only if you ~~((write to your licensor requesting a change and the request is approved by the department))~~ have written approval from the child's physician and social worker.

(2) The time interval between the evening meal and breakfast must not be more than fourteen hours.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0380 How do I handle a child's special diet?** You must have approval of the child's social worker and written instructions by a physician, parent or guardian before serving nutrient concentrates, nutrient supplements, vitamins, and modified diets (therapeutic and allergy diets).

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0385 ~~((Do you have))~~ Are there special requirements for serving milk?** You must follow these requirements for serving milk:

(1) Serve only pasteurized milk or a pasteurized milk product.

(2) Not serve the following types of milk to any child less than twenty-four months of age unless you have written permission by a physician:

(a) Skim milk;

(b) Reconstituted nonfat dry milk; and

(c) One and two percent butterfat milk.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0395 What requirements must I meet for feeding babies?** You must meet the following requirements for feeding babies:

(1) In group care settings, all formulas must be in sanitized bottles with nipples and labeled with the child's name and date prepared if more than one child is bottle-fed.

(2) You must refrigerate filled bottles if bottles are not used immediately and contents must be discarded if not used within twenty-four hours.

(3) If you reuse bottles and nipples, you must sanitize them.

(4) If breast milk is provided by anyone other than a baby's biological mother, approval must be obtained from the child's social worker.

(5) Infants who are six months of age or over may hold their own bottles as long as an adult remains in the room and within observation range. You must take bottles from the child when the child finishes feeding or when the bottle is empty, or when the child falls asleep.

(6) You must not prop bottles while feeding infants.

(7) To prevent uneven heating, formula must not be warmed in a microwave oven in the bottle that will be used for feeding the baby.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0400 What are ~~((your))~~ the requirements for diapers and diaper-changing areas?** In a foster home or group care program you must follow the requirements for diapers, diaper-changing rooms and ~~((potty chairs))~~ toilet-training equipment.

(1) You must separate diaper-changing areas from food preparation areas.

(2) You must sanitize diaper-changing areas and toilet-training equipment between each use or you must use a non-absorbent, disposable covering that is discarded after each use.

(3) For cleaning children, you must use either disposable towels or clean cloth towels that have been laundered between each use.

(4) You and any caregiver must wash hands before and after diapering each child.

(5) In group care programs, you must use disposable diapers, a commercial diaper service, or reusable diapers supplied by the child's family.

(6) In group care programs, diaper-changing procedures must be posted at the changing areas.

#### NEW SECTION

**WAC 388-148-0422 What are the requirements for privacy for children in out-of-home placements?** (1) In general, children in out-of-home placement have the right to privacy of personal mail and phone calls.

(2) The department and its delegates may censor the child's mail and monitor telephone calls to the extent necessary and in the manner specified by the court order for the child's safety or well-being.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0425 What are the requirements about nondiscrimination?** You ~~((must))~~ are expected to follow all state and federal laws regarding nondiscrimination while providing services to children in your care.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0430 May I take a foster child to church services, temple, mosque or synagogue?** (1) You may have a child attend church services, temple, mosque, or synagogue, if the child chooses to participate.

(2) You must respect the religious ~~((rights))~~ backgrounds or preferences of the children under your care.

(3) Children have the right to practice their own faith.

(4) Children have the right not to practice your faith without consequences.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0445 What toys and activities must I provide to children?** You must provide children with safe and suitable toys and activities that contribute to developing their physical, mental, social, and emotional skills. Activities must be designed for the developmental stages of the children you serve.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0455 Do I need permission to travel on an overnight trip or out-of-state with my foster child?** Contact the child's social worker with the agency having legal custody of the child for written permission prior to overnight trips, out-of-state, or out-of-country travel.

~~((Note: The social worker with the agency having legal custody of the child is the contact person.))~~

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0460 What requirements do you have for supervising children?** (1) For all homes and facilities you must provide or arrange for care and supervision that is appropriate for the child's age, developmental skill level, and condition.

~~((2) ((You must supervise children who help with food preparation in the kitchen, based on their age and skills.~~

~~((3)))~~ Preschool children and children with severe developmental disabilities must not be left unattended in a bathtub or shower.

~~((4)))~~ (3) Foster parents and facility staff must provide the children in their care with appropriate adult supervision, emotional support, personal attention, and structured daily routines and living experiences.

~~((5)))~~ (4) Except group receiving centers, children in group care ~~((children))~~ must be supervised during sleeping hours by at least one awake staff when:

(a) There are more than six children in care; and

(b) The major focus of the program is behavioral rather than the development of independent living skills such as a teen parent program or responsible living skills program; or

(c) The youth's behavior poses a risk to self or others.

~~((6)))~~ (5) In foster homes and staffed residential homes, children must be supervised during sleeping hours by at least one awake staff only when it is part of the child's written supervision plan ~~((with the child's social worker))~~.

~~((7)))~~ (6) Adequate supervision should be arranged and maintained during times of crisis when one or more family members or staff members may be unavailable to provide the necessary supervision or coverage for other children in care.

~~((8)))~~ (7) When special supervision is required and agreed upon between the department and the agency or foster parent, the agency or foster parent provides the necessary supervision. This supervision may require auditory or visual supervision at all times.

~~((9)))~~ (8) When a child has exhibited behavior in a previous placement or the placement agency believes the child poses a risk to other children the agency must inform the provider and jointly develop a plan to address the risk.

~~((10))~~ ~~When a child exhibits behavior that poses a safety risk to other children in care, the child must not share a bedroom with other children.)~~

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0470 What types of disciplinary practices are forbidden?** (1) You must not use cruel, unusual, frightening, unsafe or humiliating discipline practices, including but not limited to:

(a) Spanking children with a hand or object;

(b) Biting, jerking, kicking, hitting, or shaking the child;

(c) Pulling the child's hair;

(d) Throwing the child;

(e) Purposely inflicting pain as a punishment;

(f) Name calling, using derogatory comments;

(g) Threatening the child with physical harm;

(h) Threatening or intimidating the child; or

(i) Placing or requiring a child to stand under a cold water shower.

(2) You must not use methods that interfere with a child's basic needs. These include, but are not limited to:

(a) Depriving the child of sleep;

(b) Providing inadequate food, clothing, living space, or shelter;

(c) Restricting a child's breathing;

(d) Interfering with a child's ability to take care of their own hygiene and toilet needs; or

(e) Providing inadequate medical or dental care.

(3) You must not use methods that deprive a child of necessary services. These include, but are not limited to, contacting:

(a) The assigned social worker;

(b) The assigned legal representative;

(c) Parents or other family members who are identified in the ~~((ease))~~ service plan; or

(d) Individuals providing the child with therapeutic activities as part of the child's ~~((ease))~~ service plan.

(4) You must not use medication in an amount or frequency other than that prescribed by a physician or psychiatrist.

(5) You must not use medications for a child that ~~((has))~~ have been prescribed for someone else.

~~(((6) You must not physically lock doors or windows in a way that prohibits a child from exiting.))~~

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0480** ~~((What types of physical restraint are acceptable for children in homes and group care settings))~~ When may a child be restrained? (1) You must use efforts other than physical restraint to redirect or de-escalate a situation, unless the child's behavior poses an immediate risk to physical safety.

(2) ~~((In foster homes, in emergencies and only when the))~~ When a child's behavior poses an immediate risk to physical safety you may use physical restraint. The restraint must be reasonable and necessary to:

(a) Prevent a child ~~((on the premises))~~ from harming ~~((themselves))~~ him or herself, or others; or

(b) Protect property from serious damage.

(3) If ~~((your))~~ a group care program is approved by DLR for the use of physical restraint, the licensee and staff must be trained in the appropriate use of restraining techniques in accordance with the ~~((department's))~~ children's administration's behavior management policy before restraining a child.

(4) Medication prescribed by a physician to control behavior must be only given as prescribed.

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

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0485** What types of physical restraint are not acceptable for children? Homes and facilities must follow these requirements. You must not:

(1) Use physical restraint as a form of punishment or discipline.

(2) Use mechanical restraints, such as handcuffs and belt restraints, unless ordered by the child's physician, such as a belt restraint for an infant with reflux who must be secured to a wedge.

(3) ~~((Use locked time-out rooms.~~

(4)) Use physical restraint techniques that restrict breathing, inflict pain as a strategy for behavior control, or that ~~((might injure))~~ is likely to cause injury that is more than transient to a child. These include, but are not limited to:

(a) Restriction of body movement by placing pressure on joints, chest, heart, or vital organs;

(b) Sleeper holds, which are holds used by law enforcement officers to subdue a person;

(c) Arm twisting;

(d) Hair holds;

(e) Choking or putting arms around the throat; or

(f) Chemical restraints, including but not limited to pepper spray.

#### NEW SECTION

**WAC 388-148-0487** Are there requirements for time-out or quiet rooms? (1) Locked time-out or quiet rooms are prohibited in foster homes and staffed residential homes licensed for five or fewer children.

(2) Locked time-out or quiet rooms are prohibited in group care facilities and staffed residential homes licensed for six unless, the group facility or staffed residential home:

(a) Has approval from the Washington state patrol fire protection bureau or a certificate of compliance stating that the facility is in compliance with the fire codes with Washington state amendments;

(b) Has approval from the DLR licensor stating the facility is in compliance with the children's administration's behavior management guidelines; and

(c) Has current written approval of the DLR director.

#### NEW SECTION

**WAC 388-148-0488** Are time-delay mechanisms allowed on windows and doors of a facility or staffed residential home licensed for six? The use of time-delay mechanisms that meet the fire codes with Washington state amendments of the Washington state patrol fire protection bureau for fire and life safety may be approved for group care facilities and staffed residential homes licensed for six children, if:

(1) There is an exterior door(s) that ensures egress when the building needs to be evacuated;

(2) The time-delay mechanism(s) automatically unlocks when the fire alarm goes off;

(3) The licensee has approval from the DLR licensor stating that the program is in compliance with the children's administration's behavior management guidelines; and

(4) The licensee has current written approval of the DLR director.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0490** What must I do following an incident that involved using physical restraint? (1) In foster homes, the foster parent must send a copy of the documented use of physical restraint to the child's social worker and licensor within forty-eight hours; or if the foster home is supervised by a child-placing agency to the case manager.

(2) The CPA case manager ~~((with))~~ must furnish a copy of the incident report to the child's DCFS social worker and DLR licensor.

~~(((2)))~~ (3) For group care programs and all staffed residential homes, the director or program supervisor must:

(a) Review any incident with the staff who used physical restraint to ensure that the decision to use physical restraint and its application were appropriate; and



(b) Report the incident if it meets criteria in WAC 388-148-0120.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0520 What are the training requirements for foster parents and prospective foster parents? At least one foster parent must:**

(1) ~~((To receive a foster home license, you must))~~ Attend required orientation and preservice training programs that the department sponsors, or that your licensed child-placing agency offers(-); and

(2) ~~((You need proof of completion of current first-aid/CPR training that is geared for the ages of the foster children you want in your home.~~

(3) ~~You need proof of completion of HIV/AIDS training.~~

(4) ~~The primary care givers must))~~ Complete all other required DLR-approved training after licensing.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0525 How many children may my foster home serve?** (1) The department may restrict the number, age range, or gender of children a foster home is licensed to serve up to the maximum listed below. The age of the foster and birth applicant or licensee's children, and the physical and emotional condition of the children are considered in making this decision. These requirements are for all foster homes, including those that only have foster children for a short time (sometimes called a "receiving home").

(2) In a two-parent household, the maximum number of children in your home ~~((is restricted to))~~ may be no more than six children, including your own children.

(3) In a single parent household, the ~~((total))~~ maximum number of children in your home ~~((is restricted to))~~ may be no more than four children, including your own children.

(4) A home may at the discretion of the department be licensed for the care of at least one child when the foster parent(s) have more of their own children than specified in subsection (2) and (3) of this section, if they meet the other licensing requirements.

(5) You may have only two children under two years of age in your home at a time. This includes foster children and your own children.

(6) The capacity restrictions in this section may at the discretion of the department be exceeded in extraordinary situations, such as to place a sibling group, to place a child with a relative, or because the foster family has demonstrated exceptional abilities in relation to the special needs of a foster child, if this appears to be in the best interest of the child and would not jeopardize the health and safety of the other children in the home. Approval to exceed the capacity restrictions must be in writing and signed by the DLR manager or designee.

(7) The department may license a foster home for up to three medically fragile foster children ~~((with mental or physical disabilities))~~ that are severe enough to need semi-skilled maintenance or supportive services if:

(a) Your training and/or experience qualifies you to provide proper care;

(b) The children's treatment requires nursing service oversight; and

(c) The maximum number of medically fragile children ~~((with mental or physical disabilities))~~ in your home is three or fewer; and

(d) You have a written plan on how you will evacuate children in case of fire or other emergency.

(8) The department may license a foster family for up to two nonmobile children.

(9) While providing respite care, you may only exceed the number of children you are licensed to serve with prior approval by the DLR director or designee.

(10) The department may license a foster home to serve up to four children with developmental disabilities as defined in RCW 71A.10.020, at any one time.

**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.

### **FOSTER HOMES—FOSTER PARENT EMPLOYMENT AND RESPITE**

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0535 Do I need to have income separate from foster care payments?** You must have sufficient regular income, at least, an amount that meets current TANF standards for the number of persons in your home, to maintain your own family, without the foster care payments made for the children in care.

~~((FOSTER HOMES—RESPITE CARE PROVIDED))~~

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0540 When may I use respite care?** (1) Foster families may arrange for respite (brief temporary relief) care ~~((only with the prior))~~ with the consent of the child's social worker.

(2) Respite care may be arranged in advance or on an emergency basis.

(3) Respite care may be arranged to support the care a foster parent is providing or to provide substitute care in the absence of foster parents.

(4) Respite care given outside the foster parent's home must be provided by licensed providers.

(5) While providing respite, licensees must not exceed their licensed capacity and must maintain compliance with the licensing requirements.

### NEW SECTION

**WAC 388-148-0541 Excluding respite care, who may provide care to a foster child in the foster home when the foster parent is away from the home?** (1) Occasionally, and for less than twenty-four hours, the foster parent, at their own

expense, may use a friend or a relative as a substitute caregiver in the foster home, without verifying criminal and founded child abuse/neglect history when the foster parent has no reason to suspect the substitute caregiver:

(a) Has a criminal or founded child abuse or neglect history that would disqualify them from caring for a department child; or

(b) Would be a risk to the foster child while in the substitute's care.

(2) Occasionally, and for less than twenty-four hours, a foster parent, at their own expense, may allow a friend, or a relative to provide care to a foster child in the foster home when the conditions that follow are met. The foster parent must:

(a) Be familiar and comfortable with the individual who will be caring for the foster child;

(b) Meet with the substitute caregiver and review the expectations regarding supervision and discipline of the foster child, including the requirement that no physical discipline is used on foster children;

(c) Be responsible for providing the caregiver any special care instructions;

(d) Provide information on how to be contacted by the substitute caregiver; and

(e) Ensure the child has a safety plan.

(3) If the care by the friend or relative is a regular arrangement, the foster parents must have written approval of the social worker for the arrangement and provide the social worker with evidence from the substitute caregiver of:

(a) Current first aid and age-appropriate CPR training;

(b) HIV/AIDS and blood borne pathogens training;

(c) A nondisqualifying background check; and

(d) A tuberculosis test.

#### NEW SECTION

**WAC 388-148-0542 May a foster child be supervised by someone under eighteen in the foster home?** (1) A foster parent, at their own expense, may use a friend or relative who is sixteen or seventeen to supervise (baby sit) a foster child under the following conditions:

(a) The foster parent knows the youth babysitter to be reliable and mature enough to provide appropriate care to the foster child.

(b) The youth babysitter has completed a background check within the past year. Exception: For occasional care of less than twenty-four hours, the verification of the background check is not required, as provided in WAC 388-148-0541 (1)(a)(b).

(c) The youth babysitter must not be responsible for more than three children.

(2) If the care by the youth babysitter is a regular arrangement, the foster parents must have the written approval of the social worker and provide the social worker with evidence from the youth babysitter of:

(a) Current first aid and age-appropriate CPR training;

(b) HIV/AIDS training including blood borne pathogens training;

(c) A nondisqualifying background check; and

(d) A tuberculosis test.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0555 Do I need a social summary for children under my care?** (1) Except for foster homes and group receiving centers, all programs must develop a written diagnostic social summary for each child accepted for care.

(2) The social summary must serve as the basis of the child's admission to care.

(3) If a child needs to be accepted for emergency care, such as placement in a crisis residential center, the department does not require the social study to be completed prior to admission. In these cases, if the child remains in care beyond thirty days, a summary must be completed as soon as possible.

(4) The study must contain the following information for the child:

(a) Copies of psychological or psychiatric evaluations, if any, on the child under care.

(b) A narrative description of the child's background and family that identifies the immediate and extended family resources;

(c) The child's interrelationships and the problems and behaviors that have required care away from his or her own home;

(d) The child's primary and alternate permanency plan;

(e) Previous placement history, if any; and

(f) An evaluation of the child's need for the particular services and type of care you provide.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0560 Do I need a treatment plan for children under my care?** (1) ~~((If you operate a))~~ Except group receiving centers, all group care programs, staffed residential ((home or a group care program you)) homes, and foster homes of child-placing agencies that have contracts or agreements with the department to provide treatment or therapeutic services to dependent children, must assist in developing and implementing a written treatment plan for each child ((accepted for care in any of the programs you provide)) by the thirtieth day in care.

(2) The treatment plan must:

(a) Identify the service needs of the child, parent or guardian;

(b) Describe the treatment goals and strategies for achieving those goals;

(c) Include a running account of the treatment received by the child and others involved in the treatment plan, such as any group treatment or individual counseling; and

(d) Be updated at least quarterly to show the progress toward meeting goals and list barriers to the permanent plan.

(3) A social service staff person must review and sign approving the child's treatment plan.

**ALL LICENSES EXCEPT FOSTER HOMES AND GROUP RECEIVING CENTERS—SOCIAL SERVICE STAFF QUALIFICATIONS AND STAFFING RATIOS**

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0585 What social service staff do I need ~~((for my home or facility))~~? (1) Except for foster homes, group receiving centers, and juvenile detention facilities, you must provide or arrange for social services by qualified persons who ~~((have specific educational training. Except for juvenile detention facilities, social service staff must))~~ meet the education and training requirements that follow:**

~~((1))~~ **(a)** One person who provides social services must have a master's degree in social work or a closely related field from an accredited school.

~~((2))~~ **(b)** Social service staff without a master's degree in social work or closely related field must have a bachelor's degree in social work or a closely related field from an accredited school. A person with a master's degree must consult ~~((at least eight hours per month))~~ with any social service staff who ~~((have))~~ has only a bachelor's degree one hour for every twenty hours the staff person works.

~~((3))~~ **(2)** When social services are provided by another agency, you must have a written agreement with the agency describing the scope of service they provide. ~~((Written agreements must meet the requirements of this rule.~~

~~(4) A social service staff person must review and sign approving the child's treatment plan.~~

~~(5) A social service staff person must review and sign approving licensing application packets before they are submitted to DLR.)~~

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0600 Do I need professional consultants for my program?** (1) Except for foster homes, you must have consultants available~~((s))~~ as needed, to work with your staff, the children you serve, and the children's families. The consultants that are used by your program must meet the full professional competency and requirements and academic training in their respective fields. The consultant or consultants must have:

(a) A master's degree from a recognized school of social work or ~~((similar academic training in the))~~ closely related field ~~((they will be advising))~~;

(b) The training, experience, knowledge and demonstrated skills in each area that he or she will be supervising or advising; and

(c) The ability to ensure ~~((your))~~ staff develop their skills and understanding needed to effectively manage their cases.

(2) Consultants may be hired as staff or operate under a contract with ~~((your))~~ the program.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0605 Is in-service training required?** If you have employees in your home or facility, you must offer in-service training programs for developing and upgrading staff skills.

(1) If you have five or more employees or volunteers, your training plan must be in writing.

(2) You must discuss with the staff your policies and procedures as well as the rules contained in this chapter.

(3) You must provide or arrange for your staff to have training for the services that you provide to children under your care.

(4) Your training on behavioral management must be approved by DLR and must include nonphysical age-appropriate methods of redirecting and controlling behavior, as described in ~~((the department's))~~ children's administration's guidelines on behavior management ~~((policy))~~.

(5) You must record the amount of time and type of training provided to staff.

(6) This information must be kept in each employee's file or in a separate training file.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0610 What are the required ratios of social service staff to children under care?** You must meet the minimum ratios of social service staff to children under care as shown in the chart below:

Type of <del>((Program))</del> Facility	Minimum Ratio of Full-Time Social Service Staff to Children Under Care
Day treatment program	1 to 15
Group homes	1 to 25
Child-placing agency	1 to 25
Maternity services	1 to 25
Regular and secure crisis residential centers	1 to 5

**~~((ALL LICENSES, EXCEPT FOSTER HOMES AND CHILD PLACING AGENCIES)) GROUP CARE FACILITIES AND STAFFED RESIDENTIAL HOMES LICENSED FOR SIX CHILDREN—FIRE SAFETY REQUIREMENTS~~**

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0620 What safety features do I need for hazardous areas?** The department requires hazardous areas in ~~((your))~~ a group care facility or a staffed residential home ~~((or group care facility to have certain safety features.~~

~~(1) Hazardous areas must be separated from the staffed residential home or group care facility by at least a "one-hour" fire resistant wall. Hazardous areas include rooms or spaces containing:~~

PROPOSED

- (a) A commercial type cooking kitchen;  
 (b) A boiler;  
 (c) A maintenance shop;  
 (d) A janitor closet;  
 (e) A woodworking shop;  
 (f) Flammable or combustible materials; or  
 (g) Painting operations.  
 (2) We do not require a fire resistant wall when:  
 (a) A kitchen contains only a domestic cooking range;

and

(b) Food preparation does not produce smoke or grease-laden vapors)) licensed for six children meet the facility fire and life safety requirements as developed by the chief of the Washington state patrol through the director of the fire protection bureau.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0625 What other requirements must I follow for smoke detectors?** (1) Group care facilities and staffed residential homes licensed for six children must have smoke detectors ((must have a UL approval sticker and sound an alarm that is audible in all sleeping and napping areas.

(2) In new construction, required smoke detectors must receive their primary power from building wiring from a commercial source. Wiring must be permanent, with a disconnecting switch only for overcurrent protection.

(3) Smoke detectors must also:

(a) Be equipped with a battery backup; and

(b) Emit a signal when the batteries are low.

(4) If installed in existing buildings or buildings without commercial power, smoke detectors may be solely battery operated.

(5) Single station smoke detectors must be tested at monthly intervals or in a manner specified by the manufacturer. Records of such testing must be maintained upon the premises)) that are UL or Factory Mutual approved.

(2) Smoke detectors must have a strobe and be in compliance with the Americans with Disabilities Act (ADA).

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0640 What fire safety procedures ((to) do staff of a group care facility and a staffed residential home ((and group care program staff)) licensed for six children need to know?** You and your staff at ((the)) a group care facility and a staffed residential home ((or group care facility)) licensed for six children must be familiar with safety procedures related to fire prevention.

(1) You and your staff must be familiar with all aspects of the fire drill.

(2) You and your staff must be able to:

(a) Operate all fire extinguishers installed on the premises;

(b) Test smoke detectors (single station types); and

(c) Conduct frequent inspections of the home or facility to identify fire hazards and take action to correct any hazards noted during the inspection.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0645 What are the requirements for fire drills and testing smoke detectors?** (1) You must conduct a fire drill in your staffed residential home licensed for six children or group care facility at least once each month at varying times of the day and night so that staff on all shifts practice the procedures.

((2)) You must maintain a written record on the premises that indicates the date and time that all drill practices were completed.

(2) Single-station smoke detectors must be tested monthly or in a manner specified by the manufacturer. You must maintain a written record of such testing on the premises that indicates the date and time the test was completed.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0655 Are there different construction and fire safety requirements for facilities that have ((mixed groups)) multiple licenses in the same building?**

(1) ((If a facility, such as a regular or a secure crisis residential center (CRC) or group home and a CRC, has mixed groups)) A facility with multiple Washington state licenses or certifications for the care of children in the same building((the facility)) must ((follow)) comply with the most stringent construction and fire safety requirements ((of the two groups)) for the physical structure, if children share the same space.

(2) If ((a)) the same facility ((is certified by the department of health, such as a secure residential treatment center, the facility must meet construction and fire safety standards for psychiatric hospital security rooms when they have a secure CRC or a secure residential treatment center within the physical structure)) has multiple Washington state licenses the licensee must notify:

(a) The Washington state patrol fire protection bureau inspector; and

(b) All of the licensing and certification agents.

**((ALL LICENSES, EXCEPT FOSTER HOMES AND CHILD PLACING AGENCIES)) GROUP CARE FACILITIES AND STAFFED RESIDENTIAL HOMES—FOOD AND MEALS**

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0660 Do mealtimes need to be established?** ((You)) Group care facilities and staffed residential homes must establish and post a schedule of mealtimes.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0670 What types of group care programs are licensed to provide care to children?** (1) The following types of programs may be licensed as group care to provide care for children on a twenty-four-hour basis:

- ~~((1))~~ (a) Group ~~((home))~~ residential programs;  
~~((2))~~ (b) Independent living skills programs;  
~~((3))~~ (c) Maternity services;  
~~((4))~~ (d) Services to children with severe developmental disabilities and medically fragile children; ~~((and~~  
~~(5))~~ (e) Crisis residential centers and secure crisis residential centers; ~~((and~~  
~~(6))~~ (f) Group receiving centers; and  
 (g) Day treatment programs. Day treatment programs are considered group care programs under this chapter, though they are not twenty-four-hour residential programs.

(2) If your group care facility provides services named in WAC 388-148-0670 (1)(c) through (g) you will need to comply with the licensing requirements specific to those programs. A license may be issued for that specific type of care, such as a crisis residential center in addition to the group care license.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0685 Who may ~~((I serve as))~~ a group care program provider serve?** (1) If you are a group care program provider, you may serve children who are at least six years of age and meet one of the following conditions:

- (a) Have behavior that cannot be safely or effectively managed in foster care;  
 (b) Need temporary placement awaiting a more permanent placement;  
 (c) Need emergency placement during a temporary disruption of a current placement;  
 (d) Have emotional, physical, or mental disabilities;  
~~((or))~~  
 (e) Need a transitional living setting;  
(f) Need respite care from a licensed provider; or  
(g) Are age sixteen or older and need to acquire independent living skills.

(2) If your group care program serves children with severe developmental disabilities, medically fragile children, maternity services, or is a group receiving center or meets RCW 74.15.020 (2)(m), the children may be younger than six years of age.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0695 Must I give a child an allowance?** Group care facilities, except group receiving centers, must give the children under their care allowances based on age, needs and ability to handle money. These facilities must keep track of allowances given to children in a ledger.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0700 What are the qualifications for an executive director for a group care program or child-placing agency?** ~~((1))~~ A group care program, child-placing agency executive director, or person responsible for the agency administration, agency oversight, and fiscal operation must meet, at a minimum, the requirements that follow.

- ~~((a))~~ (1) Be able to communicate to the department the roles, expectations and purposes of the program; ~~((and~~  
~~(b))~~ (2) Work with representatives of other agencies ~~((-~~  
~~(2) They must also meet one of these education or experience requirements:~~

~~(a) Have a bachelor's degree in social science or closely related field from an accredited school; or~~

~~(b) Have a minimum of two years of successful, full-time relevant experience, such as working in a group care facility; or~~

~~(c) Have a minimum of two years as a foster parent with a letter of recommendation from the licensing agency and supervising agency); and~~

(3) Have appropriate education and four years of successful experience with similar duties and responsibilities for the administration oversight, and fiscal management of an agency.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0705 Do I need an on-site program manager or social service staff at each group care facility?** Each group care facility must have an on-site program manager, social service staff, or person with the equivalent training and experience of an on-site program manager at each facility during business hours.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0710 What are the responsibilities of the on-site program manager or social service staff for a group care ~~((program))~~ facility?** The on-site program manager or social service staff has the following responsibilities:

- (1) Coordinates the day-to-day operations of the program;  
 (2) Supervises the child care staff;  
 (3) Oversees the completion of each child's plan of care and treatment.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0715 What qualifications must the on-site program manager, or social service staff for a group care program or a CPA program manager have?** (1) Each on-site program manager or social service staff for group care and CPA program manager must have the following qualifications:

~~((1))~~ (a) A bachelor's degree in a social ~~((science))~~ services or closely ~~((allied))~~ related field from an accredited school; or

~~((2))~~ (b) Five years of successful full-time experience in a relevant field; and

~~((3))~~ (c) Supervisory abilities that promote effective staff performance; and

~~((4))~~ (d) Relevant experience, training, and demonstrated skills in each area that he or she will be supervising or managing.

~~((5))~~ (2) The same person may have the responsibilities of the executive director and the group care on-site program manager, social service staff or a CPA program manager, if that person meets the qualifications for both positions.

#### NEW SECTION

**WAC 388-148-0718** **What are the responsibilities for child care staff at a group care program?** The child care staff responsibilities at a group care program includes care, supervision, and behavior management of the children under care.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0720** **What are the qualifications ~~((must the))~~ for child care staff or case aides for a group care program ~~((have))~~ and a child-placing agency?** ~~((The child care staff person is responsible for the care, supervision, and behavior management of children under your care.))~~ The department requires ~~((the))~~ child care staff and case aides of each group care program and child-placing agency program:

- (1) Be at least twenty-one years old;
- (2) Exception: Child care staff may be eighteen to twenty years old if enrolled and participating in an internship or practicum program with an accredited college or university; and supervised by staff twenty-one years or older;
- (3) Have a high school diploma or GED;
- (4) Have one year of experience working with children;
- (5) Have the skills and abilities to work successfully with the challenging behaviors of children in care; and
- (6) Have effective communication and problem solving skills.

#### NEW SECTION

**WAC 388-148-0722** **What are the qualifications for health care staff for a group care program or a child-placing agency caring for medically fragile children?** (1) The health care staff, such as a licensed practical nurse (LPN) and nurse assistant certified, must meet the full professional competency requirements in their respective field when working in a group care facility or a CPA program for medically fragile children.

(2) The health care staff must maintain their certification or licensure as required by the department of licensing.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0725** **What is the ratio of child care staff to children in group care facilities?** The department has specific requirements for the ratio of child care staff to children in group care.

(1) The ratio for group ~~((homes))~~ care is at least one child care staff member on site for every eight children during waking and sleeping hours.

Note: Crisis residential centers, group receiving centers, staffed residential homes, maternity programs, and programs

for children with severe developmental disabilities have different requirements.

(2) At least two adults, including at least one child care staff person, must be on site whenever more than eight children are on the premises.

(3) To keep the proper ratio of staff to children, the executive director, health care staff, on-site program manager, support staff and maintenance staff may serve temporarily as child care staff if they ~~((have adequate))~~ meet all other child care staff qualifications and training.

(4) During sleeping hours of youth, at least one staff person must be awake in all group home programs when:

- (a) There are more than six youth in care; and
- (b) The major focus of the program is behavioral change rather than the development of independent living skills, such as teen parent and independent living skills programs; or
- (c) The youth's behavior poses a safety risk to self or others.

(5) When only one child care staff is on site, a second staff must be on call.

(6) You must have relief staff so that all staff can have the equivalent of two days off a week.

(7) If you have more than one program in one building, such as a group care program and a crisis residential center, you must follow the most stringent staffing ratio requirements.

(8) For ~~((certified))~~ juvenile detention facilities certified as meeting the minimum licensing requirements, at least one child care staff member must be on duty for every ten children in care during the sleeping and waking hours.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0730** ~~((Do you have))~~ **Are there room requirements for group care facilities?** You must meet the following room requirements to operate a group care facility.

(1) You must provide rooms that are ample in size and properly furnished for the number of children you serve.

(2) You must have a comfortably furnished living room.

(3) You must have a dining room area that is ample in size and suitably furnished for your residents.

(4) Juvenile detention facilities, certified as meeting the licensing requirements, are not required to meet these first three standards, ~~((WAC 388-148-0730 (1)(2)(3)))~~.

(5) With more than twelve children, you must provide at least one separate indoor recreation area. Its size and location must be sufficient for the age and number of the children to engage in recreational and informal education activities.

(6) You must provide a room or area that is used as an administrative office. In addition, suitable offices must be provided for social service staff. In facilities caring for fewer than thirteen children, these offices may be combined with the administrative office.

(7) You must provide a space that can be used as a visiting area.

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

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0750 What maternity services must I provide?** If you operate a licensed program for expectant mothers and new mothers with infants, you must provide or arrange for the following services:

(1) Information and referral services to every expectant and new mother who applies for care.

(2) Individual or group counseling sessions, if necessary, about the following topics:

- (a) Pregnancy counseling;
- (b) Independent living education;
- (c) Infant and child care training;
- (d) Living arrangements;
- (e) Medical care planning;
- (f) Legal issues;
- (g) Vocational or educational guidance;
- (h) Plans for the child;
- (i) Financial, emotional or psychological problems;
- (j) Relations with parents and birth father; and
- (k) Home management and consumer education.

(3) An expectant mother's delivery in a licensed hospital or licensed birthing facility.

(4) Postpartum medical examinations, as prescribed by a physician, to a new mother.

(5) Childcare, as needed.

(6) Case management services.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0765 What types of health education must I offer expectant and new mothers?** You need to offer or arrange health education for expectant and new mothers that includes the following areas:

- (1) ~~((Pregnancy))~~ Hygiene;
- (2) Suitable preparation for childbirth;
- (3) The physiological changes during pregnancy;
- (4) Examinations and childbirth procedures;
- (5) Postnatal and pediatrics care;
- (6) Contraception and family planning;
- (7) Nutritional requirements for mother and child;
- (8) Child health and development; and
- (9) Psychological and emotional changes during and after pregnancy.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0775 Do expectant and new mothers need to be under a physician's care?** A program providing maternity services to expectant and new mothers must ((be under)) provide or assist them in obtaining a physician's care for ((prenatal care to receive maternity services from programs or facilities licensed by the department)) pre- and post-natal care.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0785 What is the proper ratio of staff to children in home or group care facilities offering maternity services?** Residential programs provide twenty-four-hour care to expectant mothers and to new mothers with infants.

(1) These programs must employ sufficient numbers of residential staff to meet the physical, safety, health and emotional needs of the residents. Residential staff are in charge of supervising the day-to-day living situation for youth.

Note: Child care staff may carry out any maintenance tasks that do not detract from their primary function.

(2) When youth are on the premises, the ratio of staff to residents must be as follows:

(a) At least one residential staff member must be on duty for every eight mothers.

(b) When more than eight ~~((persons (including mothers and children)))~~ mothers are on the premises, at least two adults, including at least one child care staff must be on duty.

~~((3) You must have relief staff so that all staff can have the equivalent of two days off a week.))~~

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0795 How is capacity determined for a maternity services facility?** We count the number of mothers and children in determining capacity. The space required for a mother and infant bedroom needs to be considered when determining The capacity of a group care facility ((or home (see WAC 388-148-0670))) providing maternity services is determined by the WPS/FPB representative.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0800 What is the purpose of day treatment programs?** (1) A day treatment program must provide educational and therapeutic group experiences for emotionally disturbed children who are not in need of residential care. These services are provided during part of the twenty-four-hour day, usually during a five-day week.

(2) Day treatment is for children who are:

(a) Unable to adjust to school programs due to disruptive behavior, family stress, learning disabilities or other serious emotional disabilities; and/or

(b) ~~((Are unable to profit from outpatient child guidance clinic services and related programs))~~ Have intensive needs, which can not be adequately met through out-patient community mental health services.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0805 What staff must my day treatment program have?** (1) Your day treatment program must have an executive director to manage the financial and administrative operations of the program and an on-site pro-

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gram manager to supervise the child care staff and the treatment program at the facility.

Note: The executive director and on-site program manager may be the same person if that person is qualified for both positions.

(2) Either the executive director or on-site program manager must be on the premises while the children are in care. Another competent person may be left in charge during the director's and/or program supervisor's temporary absence.

(3) The qualifications for executive director and on-site program manager are ~~((outline))~~ outlined in WAC 388-148-0700 and 388-148-0715, respectively.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0810 What consultants must my day treatment program have?** If you operate a day treatment program, you must use psychiatrists, psychologists, teachers, and group counselors for children under care as follows. Your day treatment program must:

(1) Receive regular consultation from a child psychiatrist;

(2) Provide or arrange for a psychologist for psychological testing and related services if the child's school does not provide these services;

(3) Provide or arrange for teaching by certified teachers qualified by training or experience in remedial education; and

(4) Use group counselors who are qualified by training or by experience in the care of emotionally disturbed children.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0830 What services must ~~((you))~~ be provide for medically fragile children and children with severe developmental disabilities?** (1) If you care for medically fragile children and children with severe developmental disabilities you must ensure the following services are provided, if prescribed by a physician:

(a) An individualized treatment plan suited to the unique needs of each child in care; and

(b) Care by physicians, including surgeons, general and family practitioners, and specialists in the child's particular diagnosis on either a referral, consultative, or ongoing treatment basis.

(2) You must also provide the following nursing services, if prescribed by a physician, if you care for medically fragile children, or children with severe developmental disabilities unless these children are in a foster home:

(a) Sufficient licensed nursing staff to meet the nursing care needs of the children; or

(b) Regular nursing consultation that includes at least one weekly on-site visit by a registered nurse.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0860 Are there ~~((additional))~~ room requirements ~~((if I serve children with severe develop-~~**

~~mental disabilities))~~ for group care facilities for medically fragile children less than age six? If you operate a group care program that serves medically fragile children (~~((with severe developmental disabilities))~~ less than age six, you must follow these additional room requirements.

(1) If you are licensed to care for thirteen or more children, you must provide separate, safe play areas for children (~~((under))~~ less than one year (~~((of age))~~) or children not walking. The department must approve the rooms or areas.

(2) Children (~~((under))~~ less than one year (~~((of age))~~) must be cared for in rooms or areas separate from older children.

(3) No more than eight children (~~((under))~~ less than one year of age may be in the room at a time.

(4) Hand-washing facilities must be available (~~((in these rooms))~~ nearby.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0870 What additional record-keeping requirements exist for medically fragile children and children with severe developmental disabilities?** (1) In addition to meeting standard requirements for keeping records (see WAC 388-148-0120 through 388-148-0140), you must also keep the following information for any medically fragile child and child with a severe developmental (~~((disabilities))~~) disability:

(a) Information you received upon admission including family background, current diagnosis and medical status, an inventory of personal belongings, medical history, and a report of a physical examination and diagnosis by a physician;

(b) Information about the child's daily care including treatment plans, medications, observations, medical examinations, physicians' orders, allergic responses, consent authorizations, releases, diagnostic reports, and revisions of assessments;

(c) Upon discharge, a summary including diagnoses, treatments, and prognosis by the person responsible for providing care, and any instructions and referrals for continuity of care; and

(d) Evidence of meeting criteria for eligibility for services from the division of developmental disabilities.

(2) If the child has died, you must also have the following information:

(a) The time and date of death;

(b) Apparent cause of death;

(c) Notification of the physician and relevant others (including the coroner if necessary); and

(d) Regarding the disposal of the child's body and how the child's personal effects will be dealt with.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0875 What types of crisis residential centers may be licensed?** (1) A facility may be licensed as a regular crisis residential center (CRC) or a secure crisis residential center.



(2) A foster home may be licensed as a family CRC. The foster home licensed, as a CRC, must meet the licensing standards for foster homes outlined in this chapter.

(3) Family CRCs and regular CRCs are not locked facilities, but are operated in a way that reasonably assures that youth placed there will not run away.

Note: Regular CRCs are also known as semi-secure CRCs, as referred to in RCW 13.32A.030 ~~((13) and (14))~~ (16).

(4) A secure facility is designed and operated to prevent a youth from leaving without permission of the staff. ~~((This facility has locking doors, locking windows, or secured perimeters.))~~

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0880 What levels of secure CRCs exist?** The department licenses ~~((two))~~ three types of secure crisis residential centers (CRCs): Level one ~~((and))~~, level two, and level three. Level one is the most secure facility and level ~~((two))~~ three is the least secure facility.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0885 What are the requirements for a level-one secure CRC?** A level-one crisis residential center (CRC) must meet each of these requirements:

(1) Be a free-standing facility, separate unit, or separate building within a campus with windows and exterior doors that prevent exit.

(2) Meet or exceed the current state building code when locking doors and windows prevent exit.

(3) Ensure that no youth is kept in a locked room that isolates the youth from the general population and/or staff.

(4) Maintain a recreation area, within the secured facility or secured on the property of the facility, that can support youth's vigorous physical activity. ~~((f))~~ Any fences used to secure the recreation area must meet or exceed the specifications of the level-two CRC referenced in WAC 388-148-0890(3)(g)).

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0890 What are the requirements for a level-two secure CRC?** A level-two secure crisis residential center (CRC) must meet each of these requirements:

(1) ~~((Prevent))~~ Be a free-standing facility, separate unit, or separate building within a campus that prevents unauthorized entering and exiting with a nonscalable fence around the perimeter of the facility property;

(2) Not prevent exit by locking facility doors or windows;

(3) Design the nonscalable fence so that it does not cause injury, such as avoiding use of electrification, razor wire or concertina wire;

(4) Ensure that no youth is kept in a locked room that isolates him or her from the general population and/or staff; and

(5) Maintain a recreation area surrounded by a nonscalable fence that can support youth's vigorous physical activity.

#### NEW SECTION

**WAC 388-148-0892 What are the requirements for a level three secure CRC?** A level-three secure crisis residential center (CRC) must meet each of these requirements:

(1) Be a free-standing facility, separate unit or separate building within a campus with exterior doors that have special egress-control devices;

(2) Meet or exceed the current state building code for facilities with special egress-control devices; and

(3) Maintain a recreation area, within the secured facility or secured on the property of the facility, that can support youth's vigorous physical activity. Any fences used to secure the recreation area must meet or exceed the specifications of the level-two secure CRC referenced in WAC 388-148-0890(3).

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0895 May a juvenile detention center operate as a separate secure CRC program?** (1) A juvenile detention center may operate ~~((as))~~ a separate secure crisis residential center (CRC) program. The physical facility must be operated so that no direct communication or physical contact can be made between a resident of the secure crisis residential center and a person held in the detention facility.

(2) Staff assigned to the secure crisis residential center youth must not be simultaneously assigned to the juvenile detention center residents on the same shift.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0900 What youth may a CRC serve? All CRCs**

A crisis residential center (CRC) provides emergency, temporary residence to youth ages twelve through seventeen who meet one of the following criteria:

(1) Are beyond the control of their parents or guardians and behave in a way that endangers any person's welfare;

(2) Need assistance getting food, shelter, health care, clothing, educational services, and/or resolving family conflicts;

(3) Need temporary protective custody; or

(4) Have parents who are not able or willing to continue efforts to keep the family together.

**Secure CRCs**

(5) Youth ordered by the court to serve time for contempt on CHINS, ~~((APY))~~ ARP, or truancy orders may be ordered into a secure CRC that is co-located with a detention facility.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0905 Can law enforcement officers place youth in secure CRCs?** Law enforcement officers

~~((must))~~ may place youth in secure crisis residential centers (CRCs), when available, when youth:

- (1) Are runaways;
- (2) Are in dangerous situations; or
- (3) Are in violation of curfew.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0915 What steps must be taken after a youth is admitted into a CRC?**

**All CRCs**

(1) The director or designee of a crisis residential center (CRC) must immediately notify the parents of the youth who has been admitted.

(2) If the director or designee of any CRC is unable to contact the youth's parents within, forty-eight hours, he or she must:

(a) Contact the department and request that the case be reviewed for dependency filing under chapter 13.34 RCW or "child in need of services" filing under chapter 13.32A RCW; and

(b) Document the contact with the department in the youth's case record.

**Secure CRCs**

(3) Within the first twenty-four hours after admitting a youth to a secure crisis residential center, and each twenty-four hours after, the director or designee must assess the youth's risk of running.

(4) The secure CRC director or designee must determine what type of CRC, regular or secure, would be best for the youth.

(5) The secure CRC director or designee must use the following criteria in making the decision, considering the safety, health and welfare of the youth and others:

- (a) The youth's age and maturity;
- (b) The youth's physical, mental, and emotional condition upon arrival at the center;
- (c) The circumstances that led to the youth's placement at the facility;
- (d) The youth's behavior;
- (e) The youth's history of running away;
- (f) The youth's willingness to cooperate in conducting the assessment;

(g) The youth's need for continued assessment, protection, and intervention services in a CRC; and

(h) The likelihood the youth will remain at a CRC.

(6) The secure CRC director or designee must put the decision about the youth's status in writing in the youth's file.

(7) After a youth is admitted, the secure CRC director or designee must ensure that a youth is assessed for any health needs requiring immediate attention.

(8) By the first school day after admission, the crisis residential center staff must:

(a) Notify the youth's school district about the youth's placement; and

(b) Assess the youth for any educational needs as a part of the assessment process for inclusion in the discharge summary.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-0995 What are the ratio requirements of youth care staff to youth in crisis residential centers?**

(1) You must ensure the safety of the youth that are residing in crisis residential centers (CRCs) by maintaining staffing ratios. This may require a staffing ratio higher than the minimum listed if necessary for the health and safety of youth and/or staff.

**Regular CRCs**

(2) At all times, regular crisis residential centers must have at least one youth care staff on duty for every four youth in care when youth are present.

(3) Regular crisis residential centers must have at least two awake youth care staff on duty during waking hours of the youth when youth are present.

(4) Regular crisis residential centers must have at least one awake youth care staff on duty during sleeping hours of the youth. One or more additional (back-up) staff must be on the premises during sleeping hours to maintain staffing ratios.

Under extraordinary circumstances, the DLR director may approve an alternative back-up plan.

**Secure CRCs**

(5) At all times, secure crisis residential centers must have at least two staff on duty (~~at all times~~) when youth are present.

(6) At all times, secure crisis residential centers not co-located with a detention center must have at least one youth care staff on duty for every three youth in care.

(7) At all times, secure crisis residential centers that are located in the same facility as a detention (~~facilities~~) center must have (~~the~~) at least one awake youth care staff on duty for every four youth in care.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-1025 What must be included in a written (~~agreement to provide services as~~) program description for a staffed residential home? (1) A written (~~agreement with the department~~) program description to provide services to children at a staffed residential home must be submitted for department approval.**

(2) The program description must include but is not limited to:

- ~~((1))~~ (a) The number of children served at one time;
- ~~((2))~~ (b) The expectations of services to be provided;
- ~~((3))~~ (c) The steps to be taken to include the child's family;

~~((4))~~ (d) The plan on how coordination will occur with community partners;

~~((5))~~ (e) The plan on how permanency planning for the children will take place;

~~((6))~~ (f) A safety and supervision plan for each child; and

~~((7))~~ (g) A behavior management plan for each child, as appropriate.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-1030 What services must a staffed residential home provide?** (1) A staffed residential home must be able to provide the specialized services required by the group that is served in the staffed residential home. These services may be provided through your own program or through using other community resources.

(2) You must provide ~~((care))~~ a safety and supervision plan for children you serve ~~((in a staffed residential home,))~~ considering their ages and physical conditions.

(3) ~~((You must submit a written program description for department approval that includes:~~

~~((a)))~~ A list of services that you will provide to children and their families must include but is not limited to:

(a) The steps to be taken to include the child's family in the services;

(b) Who and how these services will be carried out; and

(c) A schedule of typical daily activities for the children under your care.

(4) Services for children must include:

(a) Transportation;

(b) Teaching social and living skills;

(c) Opportunities for play and recreation; and

(d) Opportunities to participate in community and cultural activities.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-1035 Who must be on the premises when children are under care at a staffed residential home?** The on-site program manager or a person meeting the same qualifications must be on the premises of the staffed residential home during business hours when children are under care if:

(1) The major focus of the program is behavioral rather than the development of independent living skills such as a teen parent program or responsible living skills program; and

(2) ~~((The))~~ A youth's behavior poses a risk to self or others.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-1045 What is the ratio of child care staff to children in staffed residential homes?** (1) You must meet the minimum ratios of child care staff to children under care at a staffed residential home.

(2) To keep the proper ratio of staff to children, the director, support staff and maintenance staff may serve as child care staff if they have adequate training.

(3) The ratio for staffed residential homes is, at least, one child care staff for every six children during waking hours of children.

(4) During sleeping hours of youth, at least, one staff person must be awake when:

(a) There is a written supervision agreement or a contract with the department of social and health services specifying

an awake staff is needed for either the program or a specific child; ~~((or))~~

(b) ~~((The))~~ A youth's behavior poses a safety risk to self and/or others; or

(c) A child's medical condition requires constant monitoring.

(5) The need for overnight supervision must be documented in each child's treatment plan, if awake supervision is necessary.

(6) You may only be licensed for maximum of three pregnant or parenting youth.

(7) When only one child care staff person is on duty, a second person must be on call and available to respond within one half-hour.

(8) You must have relief staff so that all staff can have the equivalent of two days off a week. This is not required for family members if the staffed residential home is a family residence.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-1050 How many children may I serve in my staffed residential home?** The department restricts the number of children that a licensed staffed residential home may serve.

(1) The department may license a staffed residential home for six or fewer children. The ~~((total))~~ maximum number of children in your home or facility must not exceed six at any time.

(2) The department may restrict the number of children in a staffed residential home according to the age and needs of the children.

(3) If only one staff person is on duty at a staffed residential home providing maternity services, that home must not care for more than four persons under the age of eighteen. An additional staff person is required to care for more than four ~~((children))~~ persons under the age of eighteen.

(4) Except for maternity program, you may have only two children under two years of age in your home at a time.

(5) The department may license a staffed residential home for up to three children with mental or physical disabilities that are severe enough to require nursing care if you meet the following conditions:

(a) You provide staff that are qualified by training and experience to provide proper care, including necessary medical procedures; and

(b) The children's treatment is under the supervision of physicians.

#### **CHILD PLACING AGENCIES—PROGRAM AND SERVICES ~~((OUT-OF-STATE PLACEMENTS))~~**

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-1060 What services may a child-placing agency provide?** The department licenses child-placing agencies to provide:

PROPOSED

- (1) Certification of eligible foster homes meeting full licensing requirements, including respite care foster homes;
- (2) Maternity services to expectant mothers;
- (3) Specialized (treatment) foster care;
- (4) Residential care programs, such as group homes, crisis residential centers, and independent living skills programs; and
- (5) Adoption services.

**NEW SECTION**

**WAC 388-148-1066 What written information is needed before a child is accepted for care by a child-placing agency?** Before accepting a child for care from a parent or legal guardian, a child-placing agency must obtain the following written consent and information from the parent or legal guardian:

- (1) Permission from the child's parent or legal guardian authorizing the placement of the child;
- (2) Permission to seek emergency medical care or surgery on behalf of the child;
- (3) Permission to transport the child;
- (4) Basic family information, including address, telephone numbers, and emergency contacts; and
- (5) Basic medical information, including current medication, immunization history (if available), known allergies, and at-risk behaviors of the child.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-1070 What health histories need to be provided to foster or adoptive parents?** ~~((1) To meet department requirements, you))~~ A child-placing agency must provide adoptive ~~((see WAC 388-25-0330), or foster))~~ parents with ~~((the following))~~ information ~~((when available, at the time of placement:~~

- ~~(a) The mental and physical health histories of the birth parents;~~
- ~~(b) A written health history for each child prior to placement, including a history of immunizations, allergies, previous illnesses, and conditions that may adversely affect the child's health; and~~
- ~~(c) The developmental and psychological history for the adoptive children.~~

~~Note: You must arrange for the child's medical examinations, immunizations, and health care as required by WAC 388-148-0335 and 388-148-0340.~~

- ~~(2) The adoptive parent(s) must sign one copy of the report, showing that they have received the information. You must retain this signed copy in the child's permanent file.~~
- ~~(3) When the child is being placed for adoption, your report must not contain information that might identify the birth parent(s)) that meets the federal and state statutes on full disclosure of health information.~~

**CHILD-PLACING AGENCY  
STAFF QUALIFICATIONS****NEW SECTION**

**WAC 388-148-1076 What are the qualifications for an executive director, a program manager/social service staff, and a consultant for a child-placing agency?** The qualifications of child-placing agency staff are as follows:

- (1) The executive director of a child-placing agency must meet the executive director qualifications outlined for programs and agencies in WAC 388-148-0700.
- (2) A program manager/social service staff for a child-placing agency must meet the program manager qualifications outlined in WAC 388-148-0715.
- (3) A consultant for a child-placing agency must meet the consultant qualifications outlined in WAC 388-148-0600.

**NEW SECTION**

**WAC 388-148-1077 What are the qualifications for a case aide for a child-placing agency program?** The qualifications for a case aide at a child-placing agency program must meet the qualifications for the child care staff at a group care program, outlined in WAC 388-148-0720.

**NEW SECTION**

**WAC 388-148-1078 What are the qualifications for health care staff hired or contracted by a child-placing agency to provide services to children in care?** A child-placing agency health care staff, such as licensed practical nurses (LPN) and nursing assistants-certified must meet the health care staff qualifications outlined in WAC 388-148-0722.

**NEW SECTION**

**WAC 388-148-1079 What are the qualifications or the foster home licenser for a child-placing agency?** A child-placing agency licenser responsible for the certification of foster homes supervised by their child-placing agency must meet, at a minimum, the requirements that follow:

- (1) Be at least twenty-one years old;
- (2) Have a bachelor's degree in social services or related field; or
- (3) Four years of relevant full-time experience serving children may be substituted for the bachelor's degree with DLR administrative approval.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-1085 How may my child-placing agency certify a foster home for licensing by the department?** (1) To certify a foster home for licensing by the department, you must use applications, home study forms, and procedures that are approved by the department (see WAC 388-148-0050 through 388-148-0080).

PROPOSED

(2) A foster home must be certified by your child-placing agency as meet the licensing requirements your child-placing in order to be licensed by the department.

(3) A social service staff person must review and sign approving the foster home licensing application packet before the application is submitted to DLR.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-1115** ~~((Do you have))~~ **What are the requirements for providing adoptive services?** (1) As a child-placing agency providing adoption services, you must ~~((meet the department's requirements under chapter 388-25 WAC.~~

~~((2) You must);~~

(a) Comply with federal and state adoption and adoption support laws and policies;

(b) Recruit potential adoptive families that reflect the diversity of children in your community((:

~~((3) You must); and~~

(c) Provide adoptive applicants with the following services, at a minimum:

~~((a))~~ (i) Information about the adoption process;

~~((b))~~ (ii) Adoption support programs;

(iii) Your agency's policies, practices and legal procedures;

~~((e))~~ (iv) Types of children available for adoption and implications for parenting different types of children; and

~~((d))~~ (v) Information on adoption support programs.

~~((4))~~ (2) You must document that you provided this information to the adoptive applicant in the applicant's file.

(3) You must have contact with each adoptive home of all adoptive placements at least once every thirty days, until the adoption is finalized. Contact may include a home visit, telephone call, or office visit.

(4) Every ninety days you must complete a face-to-face visit in the adoptive home to observe the parent and child and complete a health and safety check.

**AMENDATORY SECTION** (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

**WAC 388-148-1120** **What is the process for adoptions?** You must go through the following steps to place a child for adoption.

(1) The applicants must submit an application (including a completed background inquiry form) to the child-placing agency.

(2) Once you have received an application, but before you ~~((have))~~ sign a contract for services, you must give the applicants a written statement about:

(a) The adoption agency's fixed fees and fixed charges to be paid by the applicant;

(b) An estimate of additional itemized expenses to be paid by applicant; and

(c) Specific services covered by fees that you offer for child placement or adoption.

(3) Your staff must complete an adoptive home study as required in RCW 26.33.190 with the participation of the

applicant(s). For the study, your staff and the applicants ~~((need to decide about))~~ must decide the following:

(a) The suitability of the applicant(s) to be adoptive parent(s) including completion of background checks of the applicant(s) independent of the department; and

(b) The type of child(ren) for which the applicant or applicants are best suited.

(4) Your staff must accept or deny the application and give an explanation for your decision.

(5) You must file preplacement (home study) reports with the court (as required by RCW 26.33.180 through 26.33.190).

(6) Your staff must prepare the potential adoptive parent(s) for placement of a specific child by:

(a) Locating and providing information about the child and the birth family to the prospective adoptive family ~~((as described in chapter 388-25 WAC))~~ provided under federal and state statute;

(b) Discussing the likely implications of the child's background for adjusting in the adoptive family.

(7) Your staff must reevaluate the applicant(s) suitability for adopting a child each time an adoptive placement is considered.

(8) You must advise the family of the existence of the adoption support program and procedures for applying.

**GROUP CARE FACILITIES—GROUP RECEIVING CENTERS PROGRAM REQUIREMENTS AND SERVICES**

**NEW SECTION**

**WAC 388-148-1205** **What is a group receiving center?** A group receiving center is a facility licensed by the division of licensed resources for the care of more than six children placed by the department, generally for thirty days or less.

**NEW SECTION**

**WAC 388-148-1210** **What age children may a center serve?** Group receiving centers may provide care for children from age two through seventeen. There may be situations when a group receiving center would be licensed for children less than two years of age to accommodate sibling groups.

**NEW SECTION**

**WAC 388-148-1215** **What hours must a center be open?** A group receiving center must be open twenty-four hours a day, seven days a week.

**NEW SECTION**

**WAC 388-148-1220** **What services are provided or arranged for by a group receiving center?** (1) A group receiving center must provide direct receiving care and assessment or an appraisal of a child in terms of his or her physical, mental, social, and emotional condition.

(2) A group receiving center may provide transportation and/or family support services, such as the supervision of family visits.

(3) Arrange for or provide transportation for each school-age child in care to attend school.

#### NEW SECTION

**WAC 388-148-1225 Is a center required to provide an orientation for a child placed?** (1) As part of admission to a center, the staff must provide an orientation to children, as age-appropriate that includes, but is not limited to:

- (a) A description of the program and services;
  - (b) The physical facility;
  - (c) The department-approved policy that states that youth may not have guns or other weapons, alcohol, tobacco, or illegal drugs within the facility; and
  - (d) The department-approved policy on client visitation that includes access to the youth's attorney and social worker.
- (2) Written documentation of this orientation must be in each child's file.

#### NEW SECTION

**WAC 388-148-1230 Does each child need space for personal items at the center?** You must provide separate space for the storage of personal items such as clothing, radios, and toys for each child at your group receiving center.

#### **GROUP RECEIVING CENTERS—STAFF TRAINING**

#### NEW SECTION

**WAC 388-148-1235 What staff training is required?** (1) All group receiving center staff must complete a minimum of sixteen hours of pre-service job orientation prior to beginning unsupervised child care responsibilities. Training must include:

- (a) Presentation of the group receiving centers policies and procedures as well as the standards contained in this chapter;
  - (b) Behavior management techniques;
  - (c) Crisis intervention techniques;
  - (d) Family dynamics and family intervention techniques;
  - (e) Child abuse and neglect reporting requirements;
  - (f) Youth supervision requirements; and
  - (g) HIV/AIDS/blood borne pathogen training.
- (2) Staff must complete a minimum of twenty-four hours of on-going education and in-service training annually. This training must include:
- (a) Crisis intervention techniques, including verbal de-escalation, positive behavior support, and physical response/restraint training as approved by the department;
  - (b) Behavior management techniques;
  - (c) Substance abuse;
  - (d) Suicide assessment and intervention;
  - (e) Family intervention techniques;
  - (f) Cultural diversity;
  - (g) Mental health issues and interventions;
  - (h) Mediation skills;
  - (i) Conflict management/problem-solving skills;

- (j) Physical and sexual abuse identification;
  - (k) Characteristics and management of sexually aggressive and physically assaultive behavior; and
  - (l) Monthly fire drill proactive and disaster training for each staff.
- (3) You must record the amount of time and type of training provided to staff.
- (4) This information must be kept in each employee' file or in a separate training file.

#### **GROUP CARE FACILITIES-GROUP RECEIVING CENTERS—STAFFING RATIOS AND SUPERVISION**

#### NEW SECTION

**WAC 388-148-1240 What is the ratio of child care staff to children at a center?** The department has specific requirements for the ratio of child care staff to children at group receiving centers.

(1) At least two staff, including at least one child care staff person, must be on site whenever children are on the premises.

(2) The ratio for a group receiving center is at least one child care staff person on site for every four children who are under age six, during waking and sleeping hours.

(3) The ratio for a group receiving center is at least one child care staff person on site for every six children age six years and older, during waking and sleeping hours.

(4) If a DLR-approved safety plan addressing the age groups is in effect, the center may provide care for more than one of the following age groups:

- (a) Age two through five;
- (b) Six through twelve; and
- (c) Thirteen through seventeen.

(5) If the center provides care for children under age six and children six and older, you may allow common activities for the children of different age groups provided you maintain the staffing ratio designated for the youngest child in the group and have an approved safety plan in place.

(6) To keep the proper ratio of staff to children, the executive director, on-site program manager, support staff, and maintenance staff may serve temporarily as child care staff if they have adequate training and are performing child care staff duties.

(7) You must have relief staff so that all staff can have the equivalent of two days off a week.

(8) If you have more than one program in one building, such as a group receiving center and a crisis residential center, you must follow the most stringent staffing ratio requirements, if the same staff are supervising both programs.

#### NEW SECTION

**WAC 388-148-1245 What are the requirements for supervision of children at a center?** (1) A group receiving center must operate under a DLR-approved, written supervision and safety plan for the children in care.

(2) At a group receiving center, children under age six must be within visual range at all times during waking hours.

(3) You must ensure that the staff providing direct care and supervision of the children is free of other duties at the time of care.

(4) When a child has exhibited behavior that posed a safety risk to other children in a previous placement or the placing agency believes the child poses a risk to other children the placing agency must inform the provider and jointly develop a plan to address the risk.

**NEW SECTION**

**WAC 388-148-1250 Who must be on the premises while children are in care at a center?** (1) The director or on-site program manager at a group receiving center must normally be on the premises during business hours when children are in care.

(2) If temporarily absent (for two hours or less) from the center, the director and on-site program manager must leave a competent, designated staff person in charge. This person must meet the qualifications of a child care staff person.

**GROUP CARE FACILITY-GROUP RECEIVING CENTERS—RECREATIONAL ACTIVITIES, EQUIPMENT, AND SPACE**

**NEW SECTION**

**WAC 388-148-1255 What are the requirements for an activity program?** (1) You must provide an activity program at a group receiving center that is designed to meet the developmental, cultural, and individual needs of the children served at your group receiving center.

(2) You must ensure that group receiving center's activity program allows time for children to have daily opportunities for small and large muscle activities and outdoor play, as appropriate to the weather conditions.

**NEW SECTION**

**WAC 388-148-1260 What activities must I provide to children?** (1) Activities must be designed for the developmental stages of the children you serve at a group receiving center, allowing a balance between:

- (a) Child-initiated and staff-initiated activities;
- (b) Free play and organized events;
- (c) Individual and group activities; and
- (d) Quiet and active experiences.

(2) You must ensure that children at a group receiving center are grouped to ensure the safety of the children.

**NEW SECTION**

**WAC 388-148-1265 What are the requirements for indoor recreation areas?** (1) Depending on the number and age range of children served, the group receiving center's indoor premises must contain:

- (a) Adequate area for the child play; and
- (b) Sufficient space to house a developmentally appropriate program.

(2) You must provide a minimum of thirty-five square feet of usable floor space per child, not counting bathrooms, hallways, and closets.

(3) You may use and consider the napping area as child care space, if there are not beds or cots on the floor space.

**NEW SECTION**

**WAC 388-148-1270 What are the requirements for an outdoor recreation area?** (1) You must provide a safe and securely-fenced or department-approved, enclosed outdoor recreation area at a group receiving center.

(2) The fenced or approved enclosed outdoor recreation must prevent child access to roadways and other dangers.

(3) The fence or enclosure must protect the play area from unauthorized exit or entry. Any fence or enclosure must be designed to discourage climbing.

(4) The outdoor recreation area must adjoin directly the indoor premises or be reachable by a safe route and method.

(5) The outdoor recreation area must promote the child's active play, physical development, and coordination.

**NEW SECTION**

**WAC 388-148-1275 What are the size requirements for an outdoor recreation area?** (1) You must ensure the recreation area at a group receiving center contains a minimum of seventy-five usable square feet per child.

(2) If not all of the children are using the outdoor recreation area at the same time, you may reduce the size to the number of children normally using the area at one time.

**NEW SECTION**

**WAC 388-148-1280 What are the requirements for playground equipment?** (1) You must provide a variety of age-appropriate play equipment for climbing, pulling, pushing, riding, and balancing activities at a group receiving center.

(2) You must design, construct, arrange, and maintain equipment and ground cover to prevent child injury.

(3) The quantity of outdoor play equipment must offer a child a range of outdoor recreation options.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 388-148-0285 Do I need a housekeeping sink?

WAC 388-148-0360 Whom do I notify about medication changes and reactions?

WAC 388-148-0450 What types of toys must I provide to children?

WAC 388-148-0500 May I receive more than one in-home care license?

PROPOSED

- WAC 388-148-0615 Are there specific fire safety requirements for the care of nonmobile children?
- WAC 388-148-0630 What fire prevention measures must I take?
- WAC 388-148-0635 What are the requirements for fire sprinkler systems?
- WAC 388-148-0650 What requirements do you have regarding windows in staffed residential homes and group care facilities?
- WAC 388-148-0735 When do I need a special care room?
- WAC 388-148-0935 How long may a youth stay at a CRC?
- WAC 388-148-1020 Must a staffed residential home operate in conjunction with another program?
- WAC 388-148-1065 Do child-placing agency foster homes and group care facilities need to be licensed before placements?

**WSR 04-04-083****PROPOSED RULES****PUGET SOUND****CLEAN AIR AGENCY**

[Filed February 3, 2004, 11:07 a.m.]

**Original Notice.**

Exempt from preproposal statement of inquiry under RCW 70.94.141(1).

Title of Rule: Amend Sections 1.07, 3.04, 6.03, 6.09, 9.03, 9.04, 9.08, 12.03 (Regulation I); Section 2.07 (Regulation III). Adopt Section 6.01 (Regulation I). Repeal Sections 6.06, 6.07, 6.08 (Regulation I).

Purpose: The purpose of this proposal is to create a more consistent Notice of Construction process throughout the state of Washington and to facilitate the United States Environmental Protection Agency's approval of the state implementation plan.

Other Identifying Information: 1.07 Definitions; 3.04 RACT; 6.03 Notice of Construction; 6.09 Notice of Completion; 9.03 Emission of Air Contaminant: Visual Standard; 9.04 Opacity Standards for Equipment w/Continuous Opacity Monitoring Systems; 9.08 Fuel Oil Standards; 12.03 Continuous Emission Monitoring Systems; 2.07 Evaluating the Impacts of TAC; 6.01 Components of New Source Review Program; 6.06 Public Notice; 6.07 Order of Approval—Order to Prevent Construction; 6.08 Emission Reduction Credit Banking.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Statute Being Implemented: RCW 70.94.141.

Summary: The agency is proposing to repeal its Notice of Construction program and to adopt by reference compo-

nents of the Department of Ecology's program from chapters 173-400 and 173-460 WAC. Defined terms would be made consistent with those in the WAC. Cross references to the repealed sections would be amended. These proposed changes should be imperceptible to applicants.

Reasons Supporting Proposal: The federal preconstruction review requirements from 40 C.F.R. 51.160 through 51.164 and the state Notice of Construction requirements from RCW 70.94.152 through 70.94.153 are complex and difficult to rewrite without altering their meaning or deviating from the underlying statutory authority. The Washington Department of Ecology must submit a state implementation plan revision containing new source review programs for the entire state to the United States Environmental Protection Agency for their approval. Adoption by reference of ecology's rules will facilitate this process.

A consistent statewide review program is also considered beneficial to the business community.

Name of Agency Personnel Responsible for Drafting: Gerry Pade, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4065; Implementation: Dave Kircher, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4050; and Enforcement: Jim Nolan, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4053.

Name of Proponent: Puget Sound Clean Air 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 necessary because of federal law, FCAA Sec. 110.(a)(2)(C), 40 C.F.R. 51.160 through 51.164.

Explanation of Rule, its Purpose, and Anticipated Effects: See Summary above.

Proposal Changes the Following Existing Rules: See Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This agency is not subject to the small business economic impact provision of the Administrative Procedure Act.

RCW 34.05.328 does not apply to this rule adoption. Pursuant to RCW 70.94.141(1), RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Puget Sound Clean Air Agency, 110 Union Street, Suite 500, Seattle, WA 98101, on March 25, 2004, at 9:15 a.m.

Assistance for Persons with Disabilities: Contact Agency Receptionist, (206) 689-4010, by March 18, 2004, TDD (800) 833-6388 or (800) 833-6385 (Braille).

Submit Written Comments to: Dennis McLerran, Puget Sound Clean Air Agency, 110 Union Street, Suite 500, Seattle, WA 98101, fax (206) 343-7522, by March 25, 2004.

Date of Intended Adoption: March 25, 2004.

February 2, 2004

Gerry Pade

Engineer



**AMENDATORY SECTION****REGULATION I SECTION 1.07 DEFINITIONS**

When used herein:

~~((a)) **ACTUAL EMISSIONS** means the average rate at which the source actually emitted air contaminants during the 2-year period preceding a specific date, and which is representative of normal source operations. To account for unusual circumstances such as strikes, the Control Officer may approve or require the use of another time period that is more representative of normal operations than is the immediately preceding 2-year period.)~~

~~((b))~~ (a) **AGENCY** means the Puget Sound Clean Air Agency.

~~((e))~~ (b) **AIR CONTAMINANT** means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof.

~~((d))~~ (c) **AIR POLLUTION** means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property. Air pollution shall not include air contaminants emitted in compliance with chapter 17.21 RCW, the Washington Pesticide Application Act, which regulates the application and control of the use of various pesticides.

~~((e)) **ALLOWABLE EMISSIONS** means the emission rate calculated using the maximum rated capacity of the source (unless the source is subject to a federally enforceable permit that limits the operating rate, or hours of operation, or both) and the most stringent of the following:~~

~~(1) Any applicable standard under 40 CFR Parts 60, 61, and 63;~~

~~(2) Any applicable emission standard under Regulation I, II, or III;~~

~~(3) Any applicable State Implementation Plan emission standard, including those with a future compliance date; or~~

~~(4) Any applicable emission standard specified in an Order of Approval or operating permit, including those with a future compliance date.)~~

~~((f))~~ (d) **AMBIENT AIR** means the ~~((portion of the atmosphere, external to buildings, to which the general public has access))~~ surrounding outside air.

~~((g)) **BEST AVAILABLE CONTROL TECHNOLOGY** means technology that will result in an emission standard, including a visible emission standard, based on the maximum degree of reduction which the Agency, on a case-by-case basis, taking into account energy, environmental, and economic impacts, and other costs, determines is achievable for such source through application of production processes, available methods, systems, and techniques, including fuel cleaning or treatment, clean fuels, or innovative fuel combustion techniques for control of each air contaminant. In no event shall application of the best available control technology result in emissions of any air contaminant that would exceed the emissions allowed by any applicable standard under 40 CFR Parts 60, 61, and 63. The Agency may prescribe a design, equipment, work practice, or operational standard, or combination thereof, to meet the requirements of~~

~~best available control technology. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice, or operation and shall provide for compliance by means that achieve equivalent results.)~~

~~((h))~~ (e) **BOARD** means the Board of Directors of the Puget Sound Clean Air Agency.

~~((i))~~ (f) **COMBUSTIBLE REFUSE** means solid or liquid combustible waste material.

~~((j)) **COMMENCED CONSTRUCTION** means that the owner or operator has all the necessary preconstruction approvals or permits and either has begun, or has caused to begin, a continuous program of actual on-site construction of the source or has entered into binding agreements or contractual obligations to undertake construction of the source which cannot be canceled or modified without substantial loss to the owner or operator.)~~

~~((k))~~ (g) **CONTROL EQUIPMENT** means any device which prevents or controls the emission of any air contaminant.

~~((h))~~ (h) **CONTROL OFFICER** means the Air Pollution Control Officer of the Puget Sound Clean Air Agency.

~~((m))~~ (i) **EMISSION** means a ~~((direct or indirect))~~ release of ((any)) air contaminants into the ambient air.

~~((n))~~ (j) **EMISSION STANDARD** means a requirement established under the Federal Clean Air Act (FCAA) or chapter 70.94 RCW that limits the quantity, rate, or concentration of emissions of air contaminants on a continuous basis, including any requirement relating to the operation or maintenance of a source to assure continuous emission reduction((;)) and any design, equipment, work practice, or operational standard adopted ((promulgated)) under the FCAA or chapter 70.94 RCW.

~~((o))~~ (k) **EQUIPMENT or EMISSIONS UNIT** means any part of a stationary source or source that emits or would have the potential to emit any pollutant subject to regulation under the federal Clean Air Act, chapter 70.94 or 70.98 RCW ((or portable device or any part thereof that emits or may emit any air contaminant into the atmosphere)).

~~((p)) **FACILITY** means the sum total of all of the pollutant emitting activities that belong to the same industrial grouping (as defined by major groups in the Standard Industrial Classification Manual, NTIS Order No. PB 87-100012), are located on one or more contiguous or adjacent properties, and are owned or operated by the same person or persons under common control.)~~

~~((q))~~ (l) **FUEL BURNING EQUIPMENT** means equipment that produces hot air, hot water, steam, or other heated fluids by external combustion of fuel.

~~((r)) **FUGITIVE DUST** means particulate matter or any visible air contaminant other than uncombined water that is not collected by a capture system and emitted from a stack, but is released to the atmosphere at the point of generation.~~

~~((s)) **FUGITIVE EMISSION** means an emission that does not pass and that could not reasonably pass through a stack, chimney, or other functionally equivalent opening.)~~

~~((t))~~ (m) **GASOLINE** means a petroleum distillate that is a liquid at standard conditions and has a true vapor pressure greater than 4 pounds per square inch absolute at 20°C, and is used as a fuel for internal combustion engines. Also any liq-

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uid sold as a vehicle fuel with a true vapor pressure greater than 4 pounds per square inch absolute at 20°C shall be considered "gasoline" for purpose of this regulation. ((volatile organic compound having a true vapor pressure greater than 1.5 pounds per square inch (10.3 kPa) at 68°F (20°C), that is a liquid at a temperature of 68°F (20°C) and a barometric pressure of 29.92 inches of mercury (101.325 kPa), and is used as a fuel for internal combustion engines.))

((u)) (n) GASOLINE STATION means any site discharging gasoline into ((fuel tanks of)) motor vehicle((s)), marine vessel((s)), or aircraft fuel tanks from stationary storage tanks.

((v)) (o) HAZARDOUS AIR POLLUTANT means any air pollutant listed in or pursuant to section 112(b) of the federal Clean Air Act, 42 U.S.C. §7412.

((w)) INSTALLATION means the placement, assemblage, or construction of equipment or control equipment at the premises where the equipment or control equipment will be used, and includes all preparatory work at such premises.

~~((x)) LOWEST ACHIEVABLE EMISSION RATE means that rate of emissions that reflects either the most stringent emission standard that is contained in the implementation plan of any state for such class or category of source unless the owner or operator of the proposed source demonstrates that such emission standards are not achievable, or the most stringent emission standard that is achieved in practice by such class or category of source, whichever is more stringent.~~

~~((y)) MAJOR MODIFICATION means a modification of a major source that would increase the actual emissions of any air contaminant for which the area is designated nonattainment by more than the following:~~

Air Contaminant	Tons/Year
Carbon Monoxide	100.0
Volatile Organic Compounds	40.0
Nitrogen Oxides	40.0
PM <sub>10</sub>	15.0
Sulfur Dioxide	40.0
Lead	0.6

~~In determining whether the thresholds defining a major modification have been exceeded, the emissions permitted under Orders of Approval issued to the facility since the designation of nonattainment that were not major modifications, and all fugitive emission increases that can be reasonably quantified shall be included. Any emission reduction credits banked by the facility since the designation of nonattainment may be subtracted from this amount provided that any credits so applied are then considered to have been used. For modifications of an individual piece of equipment, the baseline shall be the source's actual emissions or allowable emissions, whichever is smaller. (Note: volatile organic compounds and nitrogen oxides are the air contaminants for which an area is designated nonattainment for ozone.)~~

~~((z)) MAJOR SOURCE means a facility that emits or has the potential to emit 100 tons per year or more of any air contaminant subject to regulation under the federal Clean Air Act. In determining whether the threshold defining a major~~

~~source has been exceeded all fugitive emissions that can be reasonably quantified shall be included. Any emission reduction credits banked by the facility may be subtracted from this amount provided that any credits so applied are then considered to have been used.~~

~~((aa)) MAJOR SOURCE OF HAZARDOUS AIR POLLUTANTS means any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants, unless the U.S. EPA Administrator establishes a lesser quantity, or in the case of radionuclides, different criteria from those specified in this sentence.~~

~~((bb)) MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY EMISSION LIMITATION FOR NEW SOURCES means the emission limitation that is not less stringent than the emission limitation achieved in practice by the best controlled similar source, and that reflects the maximum degree of reduction in emissions that the Agency, taking into consideration the cost of achieving such emission reduction, and any non-air quality health and environmental impacts and energy requirements, determines is achievable by the constructed or reconstructed major source.~~

~~((cc)) MODIFICATION means any physical change in, or change in the method of operation of, a source, except an increase in the hours of operation or production rates (not otherwise prohibited) or the use of an alternative fuel or raw material that the source is approved to use under an Order of Approval or operating permit, that increases the amount of any air contaminant emitted or that results in the emission of any air contaminant not previously emitted.))~~

~~((dd)) (p) MOTOR VEHICLE means any operating vehicle or one capable of being operated that has its own self-contained sources of motive power, is designed for the transportation of people or property, and is of the type for which a license is required for operation on a highway.~~

~~((ee)) (q) MULTIPLE CHAMBER INCINERATOR means a furnace for the destruction of waste consisting of three or more refractory-lined combustion chambers in series, physically separated by refractory walls, interconnected by gas passage ports or ducts, and employing adequate design parameters necessary for maximum combustion of the material to be burned.~~

~~((ff)) NONATTAINMENT AREA means a geographic area designated by the United States Environmental Protection Agency that violates a primary or secondary national ambient air quality standard.))~~

~~((gg)) (r) OWNER OR OPERATOR means the person who owns, leases, supervises, or operates the equipment or control equipment.~~

~~((hh)) PARTICULATE MATTER means any material, except water in an uncombined form, that is, has been, or is likely to become airborne and exists as a liquid or a solid at a temperature of 68°F (20°C) and a barometric pressure of 29.92 inches of mercury (101.325 kPa.))~~

~~((ii)) (s) PERSON means ((and includes any)) an individual, firm, public or private corporation, association, part-~~

nership, political subdivision, municipality, or government((at)) agency.

~~((jj)) **PM<sub>10</sub>** means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on Appendix J of 40 CFR Part 50 and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53.~~

~~((kk)) **POTENTIAL TO EMIT** means the maximum capacity of a facility to emit an air contaminant under its physical and operational design. Any physical or operational limitation on the capacity of the facility to emit an air contaminant, including control equipment and restrictions on the hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is federally enforceable.)~~

~~((hh)) **(t) REASONABLY AVAILABLE CONTROL TECHNOLOGY or (RACT)** means the lowest emission standard that a particular source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. **RACT** ((Reasonably available control technology)) is determined on a case-by-case basis for an individual source or source category taking into account the impact of the source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality, and the capital and operating costs of the additional controls. **RACT requirements for any source or source category shall be adopted only after notice and opportunity for comment are afforded.**~~

~~((mm)) **(u) REFUSE BURNING EQUIPMENT** means equipment employed to burn any solid or liquid combustible refuse.~~

~~((nn)) **(v) SOURCE** means ((a building, structure, equipment, control equipment, or facility that emits or may emit any air contaminant into the atmosphere.)) all of the emissions unit(s) including quantifiable fugitive emissions, that are located on one or more contiguous or adjacent properties, and are under the control of the same person or persons under common control, whose activities are ancillary to the production of a single product or functionally related group of products. Activities shall be considered ancillary to the production of a single product or functionally related group of products if they belong to the same major group (i.e., which have the same 2-digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 supplement.~~

~~((oo)) **STANDARD CONDITIONS** means a temperature of 68°F and a barometric pressure of 29.92 inches of mercury.~~

~~((pp)) **TOTAL ALLOWABLE EMISSIONS** means allowable emissions, including the emissions from all Orders of Approval issued to the facility since the designation of nonattainment that were not major modifications, and all fugitive emissions that can be reasonably quantified.)~~

~~((qq)) **(w) TOXIC AIR CONTAMINANT or TAC** means ((an air contaminant listed in Appendix A of Regulation III.)) any Class A or Class B toxic air pollutant listed in~~

WAC 173-460-150 and 173-460-160. The term toxic air pollutant may include particulate matter and volatile organic compounds if an individual substance or a group of substances within either of these classes is listed in WAC 173-460-150 and/or 173-460-160. The term toxic air pollutant does not include particulate matter and volatile organic compounds as generic classes of compounds.

~~((r)) **(x) TRUE VAPOR PRESSURE** means the equilibrium partial pressure of ((an organic)) a petroleum liquid as ((t))determined by methods described in American Petroleum Institute Bulletin 2517, "Evaporative Loss from External Floating Roof Tanks", May 1996((s)).~~

~~((ss)) **(y) URBANIZED AREA** means those portions of King, Pierce, Kitsap, and Snohomish Counties designated as urbanized areas by the U.S. Department of Commerce, Bureau of the Census.~~

~~((tt)) **(z) VOLATILE ORGANIC COMPOUND or VOC** means an organic compound that participates in atmospheric photochemical reactions((— This excludes all compounds determined to have negligible photochemical reactivity by the U.S. Environmental Protection Agency and listed)) as defined in 40 CFR 51.100(s) in effect ((July 1, 1998)) as of the federal regulation reference date listed in Section 3.25 of this regulation herein incorporated by reference.~~

## **AMENDATORY SECTION**

### **REGULATION I SECTION 3.04 REASONABLY AVAILABLE CONTROL TECHNOLOGY**

(a) Reasonably Available Control Technology (RACT) is required for all existing sources.

(b) RACT for each source category containing 3 or more sources shall be determined by rule, except as provided in Section 3.04(c) of this regulation.

(c) Source-specific RACT determinations may be performed under any of the following circumstances:

(1) For replacement of existing control equipment under ((Section 6.07 (e)(4))) Article 6 of this regulation;

(2) When required by the federal Clean Air Act;

(3) For sources in source categories containing fewer than 3 sources;

(4) When an air quality problem, for which the source is a contributor, justifies a source-specific RACT determination prior to development of a categorical RACT rule; or

(5) When a source-specific RACT determination is needed to address either specific air quality problems, for which the source is a significant contributor, or source-specific economic concerns.

(d) Under any of the circumstances listed in Section 3.04(c) of this regulation, the Control Officer or a duly authorized representative shall have the authority to perform a source-specific RACT analysis or to order the owner or operator to perform the analysis and submit the results to the Agency.

(e) In the event that the Agency performs a source-specific RACT analysis of a source, the Agency shall assess a fee against that source to cover the cost of performing the analysis. The fee for an analysis performed by the Agency shall be \$5,000.00. (Replacement of control equipment under Section 3.04 (c)(1) shall be subject to the notice of construction

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review fees under Section 6.04, in lieu of a RACT fee under this section.) This fee shall be due and payable within 30 days of the date of the invoice and shall be deemed delinquent if not fully paid within 90 days of the invoice.

(f) Where current controls are determined to be less than RACT, the Agency shall define RACT for that source or source category and issue a rule or a regulatory order under Section 3.03 of this regulation requiring the installation of RACT.

(g) Emission standards and other requirements contained in rules or regulatory orders in effect at the time of operating permit issuance shall be considered RACT for purposes of permit issuance or renewal.

## **NEW SECTION**

### **REGULATION I SECTION 6.01 COMPONENTS OF NEW SOURCE REVIEW PROGRAM**

(a) In addition to the provisions of this regulation, the Agency adopts by reference and enforces the following provisions of the new source review program established by the Washington State Department of Ecology:

WAC 173-400-030

Definitions. (effective 9/15/01)

WAC 173-400-081

Startup and shutdown. (effective 9/20/93)

WAC 173-400-110

New source review. (effective 9/15/01)

(3) and (6)-(10)

WAC 173-400-112

Requirements for new sources in nonattainment areas. (effective 9/15/01)

WAC 173-400-113

Requirements for new sources in attainment or unclassifiable areas. (effective 9/15/01)

WAC 173-400-114

Requirements for replacement or substantial alteration of emission control technology at an existing stationary source. (effective 9/15/01)

WAC 173-400-117

Special protection requirements for federal Class I areas. (effective 9/15/01)

WAC 173-400-171

Public involvement. (effective 9/15/01)

WAC 173-400-200

Creditable stack height and dispersion techniques. (effective 3/22/91)

WAC 173-460-020

Definitions. (effective 2/14/94)

WAC 173-460-040

New source review. (effective 2/14/94)

(3)-(10)

WAC 173-460-050

Requirement to quantify emissions. (effective 2/14/94)

WAC 173-460-060

Control technology requirements. (effective 8/21/98)

WAC 173-460-070

Ambient impact requirement. (effective 9/18/91)

WAC 173-460-080

Demonstrating ambient impact compliance. (effective 2/14/94)

WAC 173-460-090

Second tier analysis. (effective 2/14/94)

(b) The Washington State Department of Ecology is the permitting agency for the Prevention of Significant Deterioration (PSD) program under WAC 173-400-141, and for primary aluminum smelters, kraft pulp mills, and sulfite pulp mills.

(c) The Washington State Department of Health is the permitting agency for radionuclides under chapter 246-247 WAC.

(d) The Energy Facility Site Evaluation Council (EFSEC) is the permitting agency for large natural gas and oil pipelines, electric power plants above 350 megawatts, new oil refineries or large expansions of existing facilities, and underground natural gas storage fields under chapter 463-39 WAC.

## **AMENDATORY SECTION**

### **REGULATION I SECTION 6.03 NOTICE OF CONSTRUCTION**

(a) It shall be unlawful for any person to cause or allow the establishment of a new source, or the replacement or substantial alteration of control equipment installed on an existing source, unless a "Notice of Construction application" has been filed and an "Order of Approval" has been issued (~~under Section 6.07 of this regulation~~) by the Agency. The exemptions in Sections 6.03 (b) and (c) of this regulation shall not apply to:

(1) Any project that qualifies as construction, reconstruction, or modification of an affected facility within the meaning of 40 CFR Part 60 (New Source Performance Standards), except for Subpart AAA (New Residential Wood Heaters), Subpart BB (Kraft Pulp Mills), and Subpart S (Primary Aluminum Reduction Plants); and for relocation of affected facilities under Subpart I (Hot Mix Asphalt Facilities) and Subpart OOO (Nonmetallic Mineral Processing Plants) for which an Order of Approval has been previously issued by the Agency;

(2) Any project that qualifies as a new or modified source within the meaning of 40 CFR 61.02 (National Emission Standards for Hazardous Air Pollutants), except for Subpart B (Radon from Underground Uranium Mines), Subpart H (Emissions of Radionuclides other than Radon from Department of Energy Facilities), Subpart I (Radionuclides from Federal Facilities other than Nuclear Regulatory Commission Licensees and not covered by Subpart H), Subpart K (Radionuclides from Elemental Phosphorus Plants), Subpart Q (Radon from Department of Energy Facilities), Subpart R (Radon from Phosphogypsum Stacks), Subpart T (Radon from Disposal of Uranium Mill Tailings), Subpart W (Radon from Operating Mill Tailings), and for demolition and renovation projects subject to Subpart M (Asbestos);

(3) Any project that qualifies as a new source as defined under 40 CFR 63.2 (National Emission Standards for Hazardous Air Pollutants for Source Categories), except for the pro-

~~visions of Subpart M ((National Perchloroethylene Air Emission Standards for)) Dry Cleaning Facilities) pertaining to area source perchloroethylene dry cleaners, ((and)) Subpart LL (Primary Aluminum Reduction Plants), and the provisions of Subpart S (Pulp and Paper Industry) and Subpart MM (Chemical Recovery Combustion Sources at Kraft, Soda, Sulfitite, and Stand-Alone Semichemical Pulp Mills) pertaining to kraft and sulfite pulp mills;~~

~~(4) Any new major stationary source or major modification as defined under WAC 173-400-030((, even if a combination of exempt equipment));~~

~~(5) Any new major source of hazardous air pollutants;~~

~~(6) Any major modification, including those subject to the Prevention of Significant Deterioration requirements under WAC 173-400-113;~~

~~(7) Any Phase II acid rain facility;)) and~~

~~(5) ((8)) Any stationary source previously exempted from review that is cited by the Agency for causing air pollution under Section 9.11 of this regulation.~~

(b) **Notifications.** A Notice of Construction application and Order of Approval are not required for the following new sources, provided that a complete notification is filed with the Agency prior to initial startup:

#### Liquid Storage and Transfer

(1) Storage tanks used exclusively for:

(A) Gasoline and having a rated capacity of 1,001-19,999 gallons, PROVIDED THAT they are installed in accordance with the current California Air Resources Board Executive Orders;

(B) Organic liquids with a true vapor pressure of 2.2-4.0 psia and having a rated capacity of 20,000-39,999 gallons; or

(C) Organic liquids with a true vapor pressure of 0.5-0.75 psia and having a rated capacity  $\geq$ 40,000 gallons.

(2) Loading and unloading equipment used exclusively for the storage tanks exempted above, including gasoline dispensers at gasoline stations.

#### Relocation of Portable Batch Plants

(3) Relocation of the following portable facilities: asphalt batch plants, nonmetallic mineral processing plants, rock (or concrete) crushers, and concrete batch plants for which an Order of Approval has been previously issued by the Agency. *All the conditions in the previously issued Order of Approval remain in effect.*

#### Dry Cleaning

(4) Unvented, dry-to-dry, dry-cleaning equipment that is equipped with refrigerated condensers to recover the cleaning solvent.

#### Printing

(5) Non-heatset, web offset presses and wholesale, sheet-fed offset presses (lithographic or letterpress) using exclusively soy-based or kerosene-like oil-based inks, fountain solutions with  $\leq$ 6% VOC by volume or  $\leq$ 8.5% if refrigerated to  $<60^{\circ}\text{F}$ , and cleaning solvents with a vapor pressure  $\leq$ 25mm Hg or a VOC content  $\leq$ 30% by volume.

#### Water Treatment

(6) Industrial and commercial wastewater evaporators (except flame impingement) used exclusively for wastewater

generated on-site that meets all discharge limits for disposal into the local municipal sewer system (including metals, cyanide, fats/oils/grease, pH, flammable or explosive materials, organic compounds, hydrogen sulfide, solids, and food waste). *A letter from the local sewer district documenting compliance is required in order to use this exemption.*

#### Sanding Equipment

(7) Sanding equipment controlled by a fabric filter with an airflow of 2,000-5,000 cfm and an air-to-cloth ratio of  $<3.5:1$  (for ((mechanical)) reverse-air or manual cleaning) or  $<12:1$  (for pulse-jet cleaning).

#### Ventilation and Control Equipment

(8) Vacuum-cleaning systems used exclusively for industrial, commercial, or residential housekeeping purposes controlled by a fabric filter with an airflow of 2,000-5,000 cfm and an air-to-cloth ratio of  $<3.5:1$  (for mechanical or manual cleaning) or  $<12:1$  (for pulse-jet cleaning).

(9) Replacement of existing paint spray booths. *All the conditions in the previously issued Order of Approval remain in effect.*

#### Miscellaneous

(10) Any source not otherwise exempt under Section 6.03(c) of this regulation that has been determined through review of a Notice of Construction application by the Control Officer not to warrant an Order of Approval because it has a de minimis impact on air quality and does not pose a threat to human health or the environment.

(c) **Exemptions.** A Notice of Construction application and Order of Approval are not required for the following new sources, provided that sufficient records are kept to document the exemption:

#### Combustion

(1) Fuel-burning equipment (except when combusting pollutants generated by a non-exempt source) having a rated capacity:

(A)  $<10$  million Btu per hour heat input burning exclusively distillate fuel oil, natural gas, propane, butane (or any combination thereof);

(B)  $<0.5$  million Btu per hour heat output burning waste-derived fuel (including fuel oil not meeting the specifications in Section 9.08 of this regulation); or

(C)  $<1$  million Btu per hour heat input burning any other fuel.

(2) All stationary gas turbines with a rated heat input  $<10$  million Btu per hour.

(3) Stationary internal combustion engines having a rated capacity:

(A)  $<50$  horsepower output;

(B) Used solely for instructional purposes at research, teaching, or educational facilities; or

(C) Portable or standby units operated  $<500$  hours per year, PROVIDED THAT they are not operated at a facility with a power supply contract that offers a lower rate in exchange for the power supplier's ability to curtail energy consumption with prior notice.

(4) Relocation of portable, stationary internal combustion engines or gas turbines for which an Order of Approval has been previously issued by the Agency.

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(5) All nonroad compression ignition engines subject to 40 CFR Part 89.

### Metallurgy

(6) Crucible furnaces, pot furnaces, or induction furnaces with a capacity  $\leq 1,000$  pounds, PROVIDED THAT no sweating or distilling is conducted, and PROVIDED THAT only precious metals, or an alloy containing  $>50\%$  aluminum, magnesium, tin, zinc, or copper is melted.

(7) Crucible furnaces or pot furnaces with a capacity  $\leq 450$  cubic inches of any molten metal.

(8) Ladles used in pouring molten metals.

(9) Foundry sand-mold forming equipment.

(10) Shell core and shell-mold manufacturing machines.

(11) Molds used for the casting of metals.

(12) Die casting machines with a rated capacity  $\leq 1,000$  pounds that are not used for copper alloys.

(13) Equipment used for heating metals immediately prior to forging, pressing, rolling, or drawing, if any combustion equipment is also exempt.

(14) Forming equipment used exclusively for forging, rolling, or drawing of metals, if any combustion equipment is also exempt.

(15) Heat treatment equipment used exclusively for metals, if any combustion equipment is also exempt.

(16) Equipment used exclusively for case hardening, carburizing, cyaniding, nitriding, carbonitriding, siliconizing, or diffusion treating of metals, if any combustion equipment is also exempt.

(17) Atmosphere generators used in connection with metal heat-treating processes.

(18) Sintering equipment used exclusively for metals other than lead, PROVIDED THAT no coke or limestone is used, if any combustion equipment is also exempt.

(19) Welding equipment and oxygen/gaseous fuel cutting equipment.

(20) Soldering or brazing, or equipment, including brazing ovens.

(21) Equipment used exclusively for surface preparation, passivation, deoxidation, and/or stripping that uses materials containing  $\leq 50$  grams of VOC per liter, or containing exclusively formic acid, acetic acid, phosphoric acid, sulfuric acid,  $\leq 12\%$  hydrochloric acid, alkaline oxidizing agents, hydrogen peroxide, salt solutions, sodium hydroxide, and/or water and associated rinse tanks and waste storage tanks used exclusively to store the solutions drained from this equipment. (This exemption does not include anodizing, hard anodizing, chemical milling, circuit board etching using ammonia-based etchant, electrocleaning, or the stripping of chromium, except sulfuric acid and/or boric acid anodizing with a total bath concentration of  $\leq 20\%$  by weight and using  $\leq 10,000$  amp-hours per day, or phosphoric acid anodizing with a bath concentration of  $\leq 15\%$  by weight of phosphoric acid and using  $\leq 20,000$  amp-hours per day.)

(22) Equipment used exclusively for electrolytic plating (except the use of chromic and/or hydrochloric acid) or electrolytic stripping (except the use of chromic, hydrochloric, nitric, or sulfuric acid) of brass, bronze, copper, iron, tin, zinc, precious metals, and associated rinse tanks and waste storage tanks used exclusively to store the solutions drained from this equipment.

### Ceramics and Glass

(23) Kilns used for firing ceramic-ware or artwork, if any combustion equipment is also exempt.

(24) Porcelain enameling furnaces, porcelain enameling drying ovens, vitreous enameling furnaces, or vitreous enameling drying ovens, if any combustion equipment is also exempt.

(25) Hand glass melting furnaces, electric furnaces, and pot furnaces with a capacity  $\leq 1,000$  pounds of glass.

(26) Heat-treatment equipment used exclusively for glass, if any combustion equipment is also exempt.

(27) Sintering equipment used exclusively for glass PROVIDED THAT no coke or limestone is used, if any combustion equipment is also exempt.

### Plastics and Rubber and Composites

(28) Equipment used exclusively for conveying and storing plastic pellets.

(29) Extrusion equipment used exclusively for extruding rubber or plastics where no organic plasticizer is present, or for pelletizing polystyrene foam scrap.

(30) Equipment used for extrusion, compression molding, and injection molding of plastics, PROVIDED THAT the VOC content of all mold release products or lubricants is  $\leq 1\%$  by weight.

(31) Injection or blow-molding equipment for rubber or plastics, PROVIDED THAT no blowing agent other than compressed air, water, or carbon dioxide is used.

(32) Presses or molds used for curing, post-curing, or forming composite products and plastic products, PROVIDED THAT the blowing agent contains no VOC or chlorinated compounds.

(33) Presses or molds used for curing or forming rubber products and composite rubber products with a ram diameter  $\leq 26$  inches, PROVIDED THAT it is operated at  $\leq 400^\circ\text{F}$ .

(34) Ovens used exclusively for the curing or forming of plastics or composite products, where no foam-forming or expanding process is involved, if any combustion equipment is also exempt.

(35) Ovens used exclusively for the curing of vinyl plastisols by the closed-mold curing process, if any combustion equipment is also exempt.

(36) Equipment used exclusively for softening or annealing plastics, if any combustion equipment is also exempt.

(37) Hot wire cutting of expanded polystyrene foam and woven polyester film.

(38) Mixers, roll mills, and calendars for rubber or plastics where no material in powder form is added and no organic solvents, diluents, or thinners are used.

### Material Working and Handling

(39) Equipment used for buffing (except tire buffers), polishing, carving, cutting, drilling, grinding, machining, planing, pressing, routing, sawing, stamping, or turning of wood, ceramic artwork, ceramic precision parts, leather, metals, plastics, rubber, fiberboard, masonry, glass silicon, semiconductor wafers, carbon, graphite, or composites.

(40) Hand-held sanding equipment.

(41) Sanding equipment controlled by a fabric filter with an airflow of  $< 2,000$  cfm.

(42) Equipment used exclusively for shredding of wood (e.g., tub grinders, hammermills, hoppers), or for extruding, pressing, handling, or storage of wood chips, sawdust, or wood shavings.

(43) Paper shredding and associated conveying systems and baling equipment.

(44) Hammermills used exclusively to process aluminum and/or tin cans.

(45) Tumblers used for the cleaning or deburring of metal products without abrasive blasting.

#### **Abrasive Blasting**

(46) Portable abrasive blasting equipment used at a temporary location to clean bridges, water towers, buildings, or similar structures, PROVIDED THAT any blasting with sand (or silica) is performed with  $\geq 66\%$  by volume water.

(47) Portable vacuum blasting equipment using steel shot and vented to a fabric filter.

(48) Hydroblasting equipment using exclusively water as the abrasive.

(49) Abrasive blasting cabinets vented to a fabric filter, PROVIDED THAT the total internal volume of the cabinet is  $\leq 100$  cubic feet.

(50) Shot peening operations, PROVIDED THAT no surface material is removed.

#### **Cleaning**

(51) Non-refillable, hand-held aerosol spray cans of solvent.

(52) Steam-cleaning equipment.

(53) Unheated liquid solvent tanks used for cleaning or drying parts:

(A) With a solvent capacity  $\leq 10$  gallons and containing  $\leq 5\%$  by weight perchloroethylene, methylene chloride, carbon tetrachloride, chloroform, 1,1,1-trichloroethane, trichloroethylene, or any combination thereof;

(B) Using a solvent with a true vapor pressure  $\leq 0.6$  psi containing  $\leq 5\%$  by weight perchloroethylene, methylene chloride, carbon tetrachloride, chloroform, 1,1,1-trichloroethane, trichloroethylene, or any combination thereof;

(C) With a remote reservoir and using a solvent containing  $\leq 5\%$  by weight perchloroethylene, methylene chloride, carbon tetrachloride, chloroform, 1,1,1-trichloroethane, trichloroethylene, or any combination thereof; or

(D) With a solvent capacity  $\leq 2$  gallons (~~and containing  $\leq 5\%$  by weight perchloroethylene, methylene chloride, carbon tetrachloride, chloroform, 1,1,1-trichloroethane, trichloroethylene, or any combination thereof~~).

(54) Hand-wipe cleaning.

#### **Coating, Resin, and Adhesive Application**

(55) Powder-coating equipment.

(56) Portable coating equipment and pavement strippers used exclusively for the field application of architectural coatings and industrial maintenance coatings to stationary structures and their appurtenances or to pavements and curbs.

(57) High-volume low-pressure (HVLP) spray-coating equipment having a cup capacity  $\leq 8$  fluid ounces, PROVIDED THAT it is not used to coat  $> 9$  square feet per day and is not used to coat motor vehicles or aerospace components.

(58) Airbrushes having a cup capacity  $\leq 2$  fluid ounces and an airflow of 0.5-2.0 cfm.

(59) Hand-held aerosol spray cans having a capacity of  $\leq 1$  quart of coating.

(60) Spray-coating equipment used exclusively for application of automotive undercoating materials with a flash point  $> 100^\circ\text{F}$ .

(61) Ovens associated with an exempt coating operation, if any combustion equipment is also exempt.

(62) Ovens associated with a coating operation that are used exclusively to accelerate evaporation, if any combustion equipment is also exempt. (Note: The coating operation is not necessarily exempt.)

(63) Radiation-curing equipment using ultraviolet or electron beam energy to initiate a chemical reaction forming a polymer network in a coating.

(64) Hand lay, brush, and roll-up resins equipment and operations.

(65) Equipment used exclusively for melting or applying of waxes or natural and synthetic resins.

(66) Hot-melt adhesive equipment.

(67) Any adhesive application equipment that exclusively uses materials containing  $< 1\%$  VOC by weight and  $< 0.1\%$  HAP.

(68) Equipment used exclusively for bonding of linings to brake shoes, where no organic solvents are used.

#### **Printing**

(69) Retail, sheet-fed, non-heatset offset presses (lithographic or letter-press).

(70) Presses using exclusively UV-curable inks.

(71) Presses using exclusively plastisols.

(72) Presses using exclusively water-based inks ( $< 1.5$  lb VOC per gallon, excluding water, or  $< 10\%$  VOC by volume) and cleaning solvents without VOC.

(73) Presses used exclusively for making proofs.

(74) Electrostatic, ink jet, laser jet, and thermal printing equipment.

(75) Ovens used exclusively for exempt printing presses, if any combustion equipment is also exempt.

#### **Photography**

(76) Photographic process equipment by which an image is reproduced upon material sensitized by radiant energy, excluding equipment using perchloroethylene.

#### **Liquid Storage and Transfer**

(77) Storage tanks permanently attached to a motor vehicle.

(78) Storage tanks used exclusively for:

(A) Liquefied gases, including any tanks designed to operate in excess of 29.7 psia without emissions;

(B) Asphalt at a facility other than an asphalt roofing plant, asphalt processing plant, or petroleum refinery;

(C) Any liquids (other than asphalt) that also have a rated capacity  $\leq 1,000$  gallons;

(D) Organic liquids (other than gasoline or asphalt) that also have a rated capacity  $< 20,000$  gallons;

(E) Organic liquids (other than asphalt) with a true vapor pressure  $< 2.2$  psia (e.g., ASTM spec. fuel oils and lubricating oils) that also have a rated capacity  $< 40,000$  gallons;

(F) Organic liquids (other than asphalt) with a true vapor pressure <0.5 psia that also have a rated capacity  $\geq 40,000$  gallons;

(G) Sulfuric acid or phosphoric acid with an acid strength  $\leq 99\%$  by weight;

(H) Nitric acid with an acid strength  $\leq 70\%$  by weight;

(I) Hydrochloric acid or hydrofluoric acid tanks with an acid strength  $\leq 30\%$  by weight;

(J) Aqueous solutions of sodium hydroxide, sodium hypochlorite, or salts, PROVIDED THAT the surface of the solution contains  $\leq 1\%$  VOC by weight;

(K) Liquid soaps, liquid detergents, vegetable oils, fatty acids, fatty esters, fatty alcohols, waxes, and wax emulsions;

(L) Tallow or edible animal fats intended for human consumption and of sufficient quality to be certifiable for United States markets;

(M) Water emulsion intermediates and products, including latex, with a VOC content  $\leq 5\%$  by volume or a VOC composite partial pressure of  $\leq 0.1$  psi at 68°F; or

(N) Wine, beer, or other alcoholic beverages.

(79) Loading and unloading equipment used exclusively for the storage tanks exempted above.

(80) Loading and unloading equipment used exclusively for transferring liquids or compressed gases into containers having a rated capacity <60 gallons, except equipment transferring >1,000 gallons per day of liquid with a true vapor pressure >0.5 psia.

(81) Equipment used exclusively for the packaging of sodium hypochlorite-based household cleaning or pool products.

#### Mixing

(82) Mixing equipment, PROVIDED THAT no material in powder form is added and the mixture contains <1% VOC by weight.

(83) Equipment used exclusively for the mixing and blending of materials at ambient temperature to make water-based adhesives.

(84) Equipment used exclusively for the manufacture of water emulsions of waxes, greases, or oils.

(85) Equipment used exclusively for the mixing and packaging of lubricants or greases.

(86) Equipment used exclusively for manufacturing soap or detergent bars, including mixing tanks, roll mills, plodders, cutters, wrappers, where no heating, drying, or chemical reactions occur.

(87) Equipment used exclusively to mill or grind coatings and molding compounds in a paste form, PROVIDED THAT the solution contains <1% VOC by weight.

(88) Batch mixers with a rated working capacity  $\leq 55$  gallons.

(89) Batch mixers used exclusively for paints, varnishes, lacquers, enamels, shellacs, printing inks, or sealers, PROVIDED THAT the mixer is equipped with a lid that contacts  $\geq 90\%$  of the rim.

#### Water Treatment

(90) Oil/water separators, except those at petroleum refineries.

(91) Water cooling towers and water cooling ponds not used for evaporative cooling of process water, or not used for

evaporative cooling of water from barometric jets or from barometric condensers, and in which no chromium compounds are contained.

(92) Equipment used exclusively to generate ozone and associated ozone destruction equipment for the treatment of cooling tower water or for water treatment processes.

(93) Municipal sewer systems, including wastewater treatment plants and lagoons, PROVIDED THAT they do not use anaerobic digesters or chlorine sterilization. This exemption does not include sewage sludge incinerators.

(94) Soil and groundwater remediation projects involving <15 pounds per year of benzene or vinyl chloride, <500 pounds per year of perchloroethylene, and <1,000 pounds per year of toxic air contaminants.

#### Landfills and Composting

(95) Passive aeration of soil, PROVIDED THAT the soil is not being used as a cover material at a landfill.

(96) Closed landfills that do not have an operating, active landfill gas collection system.

(97) Non-commercial composting.

#### Agriculture, Food, and Drugs

(98) Equipment used in agricultural operations, in the growing of crops, or the raising of fowl or animals.

(99) Insecticide, pesticide, or fertilizer spray equipment.

(100) Equipment used in retail establishments to dry, cook, fry, bake, or grill food for human consumption, including charbroilers, smokehouses, barbecue units, deep fat fryers, cocoa and nut roasters, but not including coffee roasters.

(101) Cooking kettles (other than deep frying equipment) and confection cookers where all the product in the kettle is edible and intended for human consumption.

(102) Bakery ovens with a total production of yeast leavened bread products <10,000 pounds per operating day, if any combustion equipment is also exempt.

(103) Equipment used to dry, mill, grind, blend, or package <1,000 tons per year of dry food products such as seeds, grains, corn, meal, flour, sugar, and starch.

(104) Equipment used to convey, transfer, clean, or separate <1,000 tons per year of dry food products or waste from food production operations.

(105) Storage equipment or facilities containing dry food products that are not vented to the outside atmosphere, or that handle <1,000 tons per year.

(106) Equipment used exclusively to grind, blend, package, or store tea, cocoa, spices, coffee, flavor, fragrance extraction, dried flowers, or spices, PROVIDED THAT no organic solvents are used in the process.

(107) Equipment used to convey or process materials in bakeries or used to produce noodles, macaroni, pasta, food mixes, and drink mixes where products are edible and intended for human consumption, PROVIDED THAT no organic solvents are used in the process. This exemption does not include storage bins located outside buildings.

(108) Brewing operations at facilities producing <3 million gallons per year of beer.

(109) Fermentation tanks for wine (excluding tanks used for the commercial production of yeast for sale).



(110) Equipment used exclusively for tableting, or coating vitamins, herbs, or dietary supplements, PROVIDED THAT no organic solvents are used in the process.

(111) Equipment used exclusively for tableting or packaging pharmaceuticals and cosmetics, or coating pharmaceutical tablets, PROVIDED THAT no organic solvents are used.

### **Quarries, Nonmetallic Mineral Processing Plants, and Concrete and Asphalt Batch Plants**

(112) Portable sand and gravel plants and crushed stone plants with a cumulative rated capacity of all initial crushers  $\leq 150$  tons per hour.

(113) Fixed sand and gravel plants and crushed stone plants with a cumulative rated capacity of all initial crushers  $\leq 25$  tons per hour.

(114) Common clay plants and pumice plants with a cumulative rated capacity of all initial crushers of  $\leq 10$  tons per hour.

(115) Mixers and other ancillary equipment at concrete batch plants (or aggregate product production facilities) with a rated capacity  $< 15$  cubic yards per hour.

(116) Concrete mixers with a rated working capacity of  $\leq 1$  cubic yard.

(117) Drilling or blasting (explosives detonation).

(118) Asphaltic concrete crushing/recycling equipment with a throughput  $< 5,000$  tons per year.

### **Construction**

(119) Asphalt paving application.

(120) Asphalt (hot-tar) roofing application.

(121) Building construction or demolition, except that notification of demolitions is required under Section 4.03 of Regulation III.

### **Ventilation and Control Equipment**

(122) Comfort air-conditioning systems, or ventilating systems (forced or natural draft), PROVIDED THAT they are not designed or used to control air contaminants generated by, or released from, sources subject to Notice of Construction.

(123) Refrigeration units, except those used as, or in conjunction with, air pollution control equipment.

(124) Refrigerant recovery and/or recycling units, excluding refrigerant reclaiming facilities.

(125) Emergency ventilation systems used exclusively to contain and control emissions resulting from the failure of a compressed gas storage system.

(126) Emergency ventilation systems used exclusively to scrub ammonia from refrigeration systems during process upsets or equipment breakdowns.

(127) Negative air machines equipped with HEPA filters used to control asbestos emissions from demolition/renovation activities.

(128) Portable control equipment used exclusively for storage tank degassing.

(129) Vacuum-cleaning systems used exclusively for industrial, commercial, or residential housekeeping purposes controlled by a fabric filter with an airflow  $< 2,000$  cfm.

(130) Control equipment used exclusively for sources that are exempt from Notice of Construction under Section 6.03(c) of this regulation.

(131) Routine maintenance, repair, or similar parts replacement of control equipment.

### **Testing and Research**

(132) Laboratory testing and quality assurance/control testing equipment used exclusively for chemical and physical analysis, teaching, or experimentation, including non-production bench scale research equipment.

### **Miscellaneous**

(133) Single-family and duplex dwellings.

(134) Oxygen, nitrogen, or rare gas extraction and liquefaction equipment, if any combustion equipment used to power such equipment is also exempt.

(135) Equipment, including dryers, used exclusively for dyeing, stripping, or bleaching of textiles where no organic solvents, diluents, or thinners are used, if any combustion equipment used to power such equipment is also exempt.

(136) Chemical vapor sterilization equipment where no ethylene oxide is used, and with a chamber volume of  $\leq 2$  cubic feet used by healthcare facilities.

(137) Ozone generators that produce  $< 1$  pound per day of ozone.

(138) Fire extinguishing equipment.

(d) Each Notice of Construction application and Section 6.03(b) notification shall be submitted on forms provided by the Agency and shall be accompanied by the appropriate fee as required by Section 6.04 of this regulation. Notice of Construction applications shall also include any additional information required to demonstrate that the requirements of ((Section 6.07)) of this Article ((regulation)) are met. Notice of Construction applications shall also include an environmental checklist or other documents demonstrating compliance with the State Environmental Policy Act.

~~((e) Within 30 days of receipt of a Notice of Construction application, the Agency shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary to complete the application.))~~

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Puget Sound Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

### **REPEALER**

#### **REGULATION I SECTION 6.06 PUBLIC NOTICE**

### **REPEALER**

#### **REGULATION I SECTION 6.07 ORDER OF APPROVAL - ORDER TO PREVENT CONSTRUCTION**

### **REPEALER**

#### **REGULATION I SECTION 6.08 EMISSION REDUCTION CREDIT BANKING**

### **AMENDATORY SECTION**

#### **REGULATION I SECTION 6.09 NOTICE OF COMPLETION**

PROPOSED

Within 30 days of completion of the installation or modification of a stationary ((an air contaminant)) source subject to the provisions of ((Section 6.07)) Article 6 of this regulation, the owner or operator or applicant shall file a Notice of Completion with the Agency. Each Notice of Completion shall be submitted on a form provided by the Agency, and shall specify the date upon which operation of the stationary source has commenced or will commence.

**AMENDATORY SECTION**

**REGULATION I SECTION 9.03 EMISSION OF AIR CONTAMINANT: VISUAL STANDARD**

(a) It shall be unlawful for any person to cause or allow the emission of any air contaminant for a period or periods aggregating more than 3 minutes in any 1 hour, which is:

(1) Darker in shade than that designated as No. 1 (20% density) on the Ringelmann Chart, as published by the United States Bureau of Mines; or

(2) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in Section 9.03 (a)(1).

(b) The density or opacity of an air contaminant shall be measured at the point of its emission, except when the point of emission cannot be readily observed, it may be measured at an observable point of the plume nearest the point of emission.

(c) This section shall not apply when the presence of uncombined water is the only reason for the failure of the emission to meet the requirements of this section.

(d) This section shall not apply to solid fuel burning devices, permitted fire training facilities, permitted obscurant usage during military training operations, outdoor fires, motor vehicles when operated on public roads, aircraft, or equipment subject to Section 9.04 of this regulation.

(e) This section shall not apply to equipment with an alternate opacity standard issued under Section 3.03 or Article 6 of this regulation ((Section 6.07)) that is based upon a correlation with the particulate concentration and that accurately indicates a violation of the applicable particulate emission standards in Section 9.09 of this regulation.

**AMENDATORY SECTION**

**REGULATION I SECTION 9.04 OPACITY STANDARDS FOR EQUIPMENT WITH CONTINUOUS OPACITY MONITORING SYSTEMS**

(a) Applicability. This section shall apply to all equipment required to be equipped with a continuous emission monitoring system for opacity.

(b) It shall be unlawful for any person to cause or allow the operation of any of the following equipment unless equipped with a continuous emission monitoring system for opacity:

- (1) Cement kilns;
- (2) Clinker coolers;
- (3) Glass furnaces, rated at greater than 1 ton per hour, that burn fuel;

(4) Fuel burning equipment, rated at 100 million Btu per hour or greater, that burns wood, coal, or residual oil; and

(5) Refuse burning equipment rated at greater than 12 tons per day.

(c) It shall be unlawful for any person to cause or allow the emission of any air contaminant from any equipment subject to this section during any hour that:

(1) Averages greater than 5% opacity; or

(2) Contains any consecutive 6-minute period averaging greater than 20% opacity.

(d) Section 9.04 (c)(1) shall not apply to:

(1) Glass furnaces that are tested annually for compliance with the applicable particulate emission standard in Section 9.09 of this regulation; or

(2) Equipment with an alternate opacity standard issued under Section 3.03 or Article 6 of this regulation ((Section 6.07)) that is based upon a correlation with the particulate concentration and that accurately indicates a violation of the applicable particulate emission standards in Section 9.09 of this regulation.

(e) This section shall not apply to sources controlled by a venturi scrubber, provided that:

(1) The source is tested annually for compliance with the applicable particulate emission standard in Section 9.09 of this regulation;

(2) The pressure drop across the scrubber is continuously monitored and recorded; and

(3) The scrubbing liquid flow rate and temperature are continuously monitored and recorded.

(f) This section shall not apply to fuel burning equipment that burns residual oil less than 31 days per year, provided that the source implements an alternate opacity monitoring plan issued under Section 3.03 or Article 6 of this regulation ((Section 6.07)).

**AMENDATORY SECTION**

**REGULATION I SECTION 9.08 FUEL OIL STANDARDS**

(a) It shall be unlawful for any person to cause or allow the combustion of oil in fuel burning equipment or refuse burning equipment that exceeds any of the following limits unless that person has obtained an Order of Approval from the Agency in accordance with Article 6 of this regulation ((Section 6.07 of this Regulation)):

Ash .....	0.1% (maximum)
Sulfur .....	1.0% (maximum for used oil)
Sulfur .....	2.00% (maximum for fuel oil)
Lead .....	100 ppm (maximum)
Arsenic .....	5 ppm (maximum)
Cadmium .....	2 ppm (maximum)
Chromium .....	10 ppm (maximum)
Total Halogens .....	1,000 ppm (maximum)
Polychlorinated Biphenyls (PCBs) .....	2 ppm (maximum)
Flash Point .....	100°F (minimum)

(b) It shall be unlawful for any person to sell or make available for sale any oil in excess of the limits of this section

to any person who has not obtained an Order of Approval from the Agency in accordance with Article 6 of this regulation (~~Section 6.07 of this Regulation~~). Any person who sells or makes available for sale such oil shall submit a report to the Agency within 15 days of the end of the month that includes the name and address of the recipient, the amount of oil delivered, and the concentration of contaminants therein.

(c) The provisions of this section shall not apply to:

- (1) Ocean-going vessels;
- (2) Used oil burned in space heaters that have a maximum heat output of not greater than 0.5 million Btu per hour; and
- (3) Persons in the business of collecting used oil from residences when under authorization by a city, county, or the utilities and transportation commission.

## AMENDATORY SECTION

### **REGULATION I SECTION 12.03 CONTINUOUS EMISSION MONITORING SYSTEMS**

(a) Continuous Monitoring. It shall be unlawful for any person to cause or allow the operation of any equipment required to have a continuous emission monitoring system unless the emissions are continuously monitored in accordance with the requirements of this section.

(b) Data Recovery. The owner or operator shall recover valid hourly monitoring data for at least 95% of the hours that the equipment (required to be monitored) is operated during each calendar month except for:

(1) Periods of monitoring system downtime, provided that the owner or operator demonstrates to the Control Officer that the downtime was not a result of inadequate design, operation, or maintenance, or any other reasonably preventable condition, and any necessary repairs to the monitoring system are conducted in a timely manner; and

(2) Periods authorized under Section 3.03 or Article 6 of this regulation (~~Section 6.07~~).

(c) Quality Assurance. The owner or operator shall install a continuous emission monitoring system that meets the performance specification in 40 CFR Part 60, Appendix B in effect at the time of its installation, and shall operate this monitoring system in accordance with the quality assurance procedures in Appendix F of 40 CFR Part 60 in effect July 1, 1997, and the U.S. Environmental Protection Agency's "Recommended Quality Assurance Procedures for Opacity Continuous Monitoring Systems" (EPA 340/1-86-010).

(d) Data Recording. Monitoring data commencing on the clock hour and containing at least 45 minutes of monitoring data shall be reduced to 1-hour averages. Monitoring data for opacity shall also be reduced to 6-minute averages. All monitoring data shall be included in these averages except for data collected during calibration drift tests and cylinder gas audits, and for data collected subsequent to a failed quality assurance test or audit.

(e) Data Retention: The owner or operator shall retain all monitoring data averages for at least 2 years, including copies of all reports submitted to the Agency and records of all repairs, adjustments, and maintenance performed on the monitoring system. All such data collected after October 1, 1998 shall be retained for at least 5 years.

(f) Data Reporting. The owner or operator shall submit a monthly report to the Agency within 30 days after the end of the month in which the data were recorded. This report shall include:

(1) The date, time period, magnitude (in the units of the standard) and cause of each emission that exceeded an applicable emission standard;

(2) The date and time of all actions taken to correct the problem, including any actions taken to minimize the emissions during the exceedance and any actions taken to prevent its recurrence;

(3) The number of hours that the equipment (required to be monitored) operated each month and the number of valid hours of monitoring data that the monitoring system recovered each month;

(4) The date, time period, and cause of each failure to meet the data recovery requirements of Section 12.03(b) and any actions taken to ensure adequate collection of such data;

(5) The date, time period, and cause of each failure to recover valid hourly monitoring data for at least 90% of the hours that the equipment (required to be monitored) was operated each day;

(6) The results of all cylinder gas audits conducted during the month; and

(7) A certification of truth, accuracy, and completeness signed by an authorized representative of the owner or operator.

(g) Relative Accuracy Tests. All relative accuracy tests shall be subject to the provisions of Section 3.07 of this regulation.

(h) Exemptions. The data recording and reporting requirements of Sections 12.03(d) and 12.03(f) shall not apply to continuous VOC monitoring systems required under Section 2.05 of Regulation II. Further, relative accuracy tests shall not be required of these monitoring systems and may be waived for any other monitoring system not otherwise subject to 40 CFR Part 60, Appendix F, provided that the owner or operator demonstrates to the Control Officer that the emissions are consistently below 10% of the applicable emission standard.

## AMENDATORY SECTION

### **REGULATION III SECTION 2.07 EVALUATING THE IMPACTS OF TOXIC AIR CONTAMINANTS**

(a) **Applicability.** This section describes the procedures that shall be used for quantifying emissions and analyzing impacts of toxic air contaminants in order to meet the requirements for new or modified toxic air contaminant sources (see Article 6 (~~Section 6.07(e)~~) of Regulation I) and for existing toxic air contaminant sources (see Section 2.05 of this ~~r~~(R)regulation).

(b) **Quantifying Emissions of Toxic Air Contaminants.**

(1) The owner or operator of a new or modified toxic air contaminant source subject to Article 6 (~~Section 6.07(e)~~) of Regulation I shall quantify toxic air contaminant emissions that may be discharged to the atmosphere after applying the required control technology, and shall submit this informa-

tion as part of a Notice of Construction and Application for Approval.

(2) The owner or operator of an existing toxic air contaminant source subject to Section 2.05 of this ~~r~~(~~R~~)egulation shall, upon request by the Agency, quantify toxic air contaminant emissions emitted by the facility and submit that information within 30 days.

(3) The following assumptions shall be made when quantifying toxic air contaminant emissions:

(A) Each toxic air contaminant is introduced into the atmosphere in an unaltered form continuously, at the maximum concentration known to exist at the source unless there is reliable data to the contrary or there is a physical or legal restriction.

(B) Dioxin and furan emissions shall be combined as one toxic air contaminant, equivalent in potency to 2,3,7,8-~~t~~(~~F~~)etrachlorodibenzo-p-dioxin.

(C) Benzo(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene, and benzo(a)pyrene shall be combined as one toxic air contaminant, equivalent in potency to benzo(a)pyrene.

(c) **Analyzing Impacts of Toxic Air Contaminants.** The air quality impact analysis for toxic air contaminant sources shall be performed using one of the following procedures:

(1) The EPA guideline dispersion model, TSCREEN, shall be used to demonstrate that the predicted concentration of each contaminant is below the corresponding Acceptable Source Impact Level listed in Appendix A of this ~~r~~(~~R~~)egulation. Stack parameters shall be submitted with the notice of construction application, or, for existing sources, within 30 days after the Agency requests the information. The maximum 1-hour concentration calculated by the model shall be converted with a persistence factor of 0.4 to a 24-hour average concentration or 0.08 to an annual average concentration;

(2) The owner or operator shall submit a more comprehensive evaluation including the use of other EPA guideline models and more accurate emission estimation techniques to demonstrate that the predicted concentration of each contaminant is below the corresponding Acceptable Source Impact Level listed in Appendix A of this ~~r~~(~~R~~)egulation in all areas where the general public has access; or

(3) If predicted ambient concentrations are not below the Acceptable Source Impact Levels listed in Appendix A of this ~~r~~(~~R~~)egulation, the owner or operator shall submit a risk analysis following the procedures in WAC 173-460-090(4), which demonstrates that emissions from the source will not cause air pollution. New or modified sources shall also comply with supplemental requirements of the Department of Ecology as specified in WAC 173-460-090 and 173-460-100.

**WSR 04-05-016**

**PROPOSED RULES**

**DEPARTMENT OF TRANSPORTATION**

[Filed February 9, 2004, 3:48 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-01-069.

Purpose: RCW 47.36.200 requires the department to adopt by rule a uniform sign or signs to warn motorcyclist about construction, repair, or maintenance work conducted on or adjacent to a public highway, county road, street, bridge, or other thoroughfare commonly traveled.

Statutory Authority for Adoption: RCW 47.36.200 and 47.36.030.

Statute Being Implemented: RCW 47.36.200.

Summary: The department is adding a motorcycle construction warning sign to the Washington state modifications to the Manual on Uniform Traffic Control Devices.

Reasons Supporting Proposal: RCW 47.36.200 requires the department to adopt by a rule a uniform sign or signs to warn motorcyclist about road construction, repair, or maintenance work.

Name of Agency Personnel Responsible for Drafting and Implementation: Mike Dornfeld, Washington State Department of Transportation, Traffic Operations Office, (360) 705-7288; and Enforcement: Toby Rickman, Washington State Department of Transportation, Traffic Operations Office, (360) 705-7288.

Name of Proponent: Washington State Department of Transportation, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The department is adding a motorcycle construction warning sign to the Washington state modifications to the Manual on Uniform Traffic Control Devices. The sign is a diamond shape sign with black letters on an orange background. The sign reads "MOTORCYCLES USE EXTREME CAUTION."

Proposal Changes the Following Existing Rules: The proposed rule adds a new sign to the Washington state modifications to the federal Manual on Uniform Traffic Control Devices. These modifications are codified in chapter 468-95 WAC.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule change does not add significant regulatory requirements to small businesses per chapter 19.85 RCW.

RCW 34.05.328 does not apply to this rule adoption. The proposed change does not meet the requirements of RCW 34.05.328.

Hearing Location: Washington State Department of Transportation, Commission Board Room, 310 Maple Park Avenue S.E., Olympia, WA 98501, on March 23, 2004, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact TDD (800) or (833) 6388 [(800) 833-6388].

Submit Written Comments to: Toby Rickman, Washington State Department of Transportation, P.O. Box 47344, Olympia, WA 98504-7344, fax (360) 705-6826, by March 20, 2004.

Date of Intended Adoption: March 23, 2004.

February 6, 2004

John F. Conrad  
Assistant Secretary

NEW SECTION

**WAC 468-95-315 Motorcycle construction warning signs.** Pursuant to RCW 47.36.200 amend MUTCD Section 6F.15 to include motorcycle construction warning signs:

A motorcycle construction warning sign shall be diamond shaped with black letters on an orange background. The sign shall read "MOTORCYCLES USE EXTREME CAUTION."

**WSR 04-05-017**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**  
 [Filed February 9, 2004, 3:57 p.m.]

## Original Notice.

Preproposal statement of inquiry was filed as WSR 03-22-070.

Title of Rule: WAC 415-04-040 What will the department do after receiving my petition?

Purpose: The Department of Retirement Systems (DRS) is proposing making minor changes to the wording of this WAC to help distinguish the petition process from the appeals process under chapter 415-08 WAC.

Statutory Authority for Adoption: RCW 41.50.050(5).

Summary: Minor changes to the wording of this WAC to help distinguish the petition process from the appeals process under chapter 415-08 WAC.

Reasons Supporting Proposal: Distinguish the petition process from the appeals process under chapter 415-08 WAC on behalf of the petitioners, attorneys, and judges in the judicial system. Unlike the appeals process, the petition process is not under the Washington State Administrative Procedure Act, chapter 34.05 RCW.

Name of Agency Personnel Responsible for Drafting: Merry A. Kogut, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7291; Implementation and Enforcement: John Charles, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7312.

Name of Proponent: Department of Retirement Systems, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Please see above. In addition, this change will allow eliminating the terms "findings of fact" and "conclusions of law" from petition decisions. The information will still be provided on the decisions, but in a different format. The different format will distinguish petition decisions from appeals decisions.

Proposal Changes the Following Existing Rules: Primarily, eliminates "findings of fact" and "conclusions of law" from the WAC.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These amendments have no affect on businesses.

RCW 34.05.328 does not apply to this rule adoption. DRS is not one of the named departments in RCW 34.05.328.

Hearing Location: Department of Retirement Systems, 6835 Capitol Boulevard, Conference Room 115, Tumwater, WA, on April 6, 2004, at 3:00 p.m.

Assistance for Persons with Disabilities: Contact the rules coordinator by seven days before the hearing, if possible, phone (360) 664-7291, TTY (360) 586-5450, e-mail joo@drs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Rules Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, e-mail joo@drs.wa.gov, fax (360) 753-3166, by 5:00 p.m. on April 6, 2004.

Date of Intended Adoption: No sooner than April 7, 2004.

February 6, 2004

Merry A. Kogut  
 Rules Coordinator

AMENDATORY SECTION (Amending WSR 01-18-018, filed 8/24/01, effective 9/24/01)

**WAC 415-04-040 What will the department do after receiving my petition?** (1) A petition examiner will review your petition.

(2) Within fourteen days from the date that you file a petition with the department, the petition examiner will determine whether you have a sufficient stake in the outcome of the proceeding to have the department consider the issues in your petition.

(a) If the petition examiner determines that you **do not** have a sufficient stake in the outcome, the petition examiner:

(i) May refer the matter back to the plan administrator for further investigation.

(ii) Will notify you of this decision within fourteen days of the date you file the petition. You may appeal this decision to the presiding officer under WAC 415-04-050.

(b) If the petition examiner determines that you **do** have a sufficient stake in the outcome, the petition examiner:

(i) Will notify interested parties, such as the member, current or former employer(s), designated beneficiaries, former spouse or the department, that you filed a petition;

(ii) Will request that the interested parties submit any written response to the petition no later than twenty days from the date of receipt of the notice;

(iii) May extend the time limit for response if the interested party shows a good reason to need more time.

(3) The petition examiner may request additional information at any time.

(4) The petition examiner will forward a copy of an interested party's response to you.

(a) You will have ten days to reply.

(b) The petition examiner may extend your time to respond if you demonstrate that you need more time for good reason.

(c) If an extension is not granted and you do not reply within ten days, you waive the right to reply.

(5) The petition examiner will issue a written decision within sixty days of:

(a) The end of your final period to reply under subsection (4) of this section; or

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(b) Receipt of additional information from the department or the office of the attorney general necessary to make a decision.

(6) ~~((The written decision will include the findings of fact and conclusions of law necessary to decide the matter. The decision will be sent to you and to other interested parties.))~~ In the written decision, the petition examiner will state facts and sources of law used to make the decision. The petition examiner will send a copy to you and to the other parties.

(7) The petition examiner may refer the petition back to the plan administrator for an administrative determination without issuing a petition decision if:

(a) The petition adds new issues or facts that have not been addressed in the plan administrator's final determination; or

(b) The plan administrator did not have access to a petition decision or final order of the department that would have changed the outcome of the administrative determination.

**WSR 04-05-025**

**PROPOSED RULES**

**DEPARTMENT OF AGRICULTURE**

[Filed February 10, 2004, 3:41 p.m.]

Continuance of WSR 04-01-202.

Preproposal statement of inquiry was filed as WSR 03-20-119.

Title of Rule: Chapter 16-470 WAC, Quarantine—Agricultural pests.

Purpose: To schedule an additional hearing on the proposal to amend WAC 16-470-105 by establishing a quarantine for apple maggot in a major portion of Kittitas County.

RCW 34.05.328 does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency under RCW 34.05.328 (5)(a)(i).

Hearing Location: Washington Cattlemen's Association, 1301 North Dolarway Road, Main Conference Room, Ellensburg, WA 98926, on March 30, 2004, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact Henri Gonzales by March 23, 2004, TDD (360) 902-1996.

Submit Written Comments to: Henri Gonzales, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, fax (360) 902-2094, e-mail hgonzales@agr.wa.gov, by March 30, 2004.

Date of Intended Adoption: April 13, 2004.

February 10, 2004  
Mary A. Martin Toohey  
Assistant Director

**WSR 04-05-039**

**PROPOSED RULES**

**DEPARTMENT OF RETIREMENT SYSTEMS**

[Filed February 12, 2004, 9:51 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 415-02-520 How can my Plan 1 or Plan 2 retirement account be split by a property division dissolution order?

Purpose: In subsection (11), change a cross reference from WAC 415-02-520(8) to WAC 415-02-520(9).

Statutory Authority for Adoption: RCW 41.50.050(5).

Statute Being Implemented: RCW 41.50.500, 41.50.670 et seq., 41.50.790.

Summary: In subsection (11) change a cross reference from WAC 415-02-520(8) to WAC 415-02-520(9).

Reasons Supporting Proposal: Correct a typographical error.

Name of Agency Personnel Responsible for Drafting: Merry A. Kogut, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7291; Implementation and Enforcement: Dorothy Bailey, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7069.

Name of Proponent: Department of Retirement Systems, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Correct typographical error.

Proposal Changes the Following Existing Rules: Correct typographical error.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These amendments have no effect on businesses.

RCW 34.05.328 does not apply to this rule adoption. The Department of Retirement Systems is not one of the named departments in RCW 34.05.328.

Hearing Location: Department of Retirement Systems, 6835 Capitol Boulevard, Conference Room 115, Tumwater, WA, on April 6, 2004, at 3:00 p.m.

Assistance for Persons with Disabilities: Contact the rules coordinator by seven days before the hearing, if possible, phone (360) 664-7291, TTY (360) 586-5450, e-mail joeo@drs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Merry A. Kogut, Rules Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, e-mail joeo@drs.wa.gov, fax (360) 753-3166, by 5:00 p.m. on April 6, 2004.

Date of Intended Adoption: No sooner than April 7, 2004.

February 11, 2004  
Merry A. Kogut  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 03-24-049, filed 11/26/03, effective 1/1/04)

**WAC 415-02-520 How can my Plan 1 or Plan 2 retirement account be split<sup>1</sup> by a property division dissolution order?** (1) **Who may use this section?** Vested members of LEOFF Plan 2, PERS Plans 1 or 2, TRS Plans 1 or 2, SERS Plan 2, or WSPRS Plan 2 who have or will have a property division dissolution order or amendment dated on or

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after July 1, 2003<sup>2</sup>. If your ex-spouse will be receiving an interest in your account, use WAC 415-02-510.

(2) **What are the rules for splitting my account?** If you and your ex-spouse are eligible, the department will split *your* retirement account into two separate accounts—one for you, and one for your ex-spouse. The rules for splitting your account are different depending on whether your dissolution order or most recent amendment is dated *BEFORE* or *AFTER* retirement.

(3) **How will my account be affected if the department accepts the property division dissolution order *BEFORE* my retirement?**

(a) The department will split your retirement account into two completely separate accounts and create an account for your ex-spouse under his or her Social Security number for the amount awarded in the dissolution order.

(b) The department will pay each of you out of your separate accounts either a monthly retirement benefit payment or a withdrawal of contributions.

(c) If you retire and receive a monthly retirement benefit payment, your monthly payment will have a permanent reduction to account for the amount awarded as a monthly payment to your ex-spouse.

(d) Your monthly benefit payment will be payable over your lifetime, and your ex-spouse's monthly payment will be payable over his or her lifetime.

(e) You will have the right to pick a survivor option for your monthly benefit payment.

(f) Your ex-spouse will not have the right to pick a survivor option for his or her monthly payment but may name a beneficiary to receive any final death payment that may be due.

(g) If you terminate employment, whatever decision you make about your accumulated contributions will have no effect upon your ex-spouse's separate account.

(h) When you or your ex-spouse dies, there will be no impact to the other person's retirement account because the accounts are independent from one another.

(i) Your ex-spouse may begin receiving monthly payments when he or she reaches retirement age for your retirement plan, or the first day of the month following the department's acceptance of the order, whichever is later. The retirement age for an ex-spouse receiving a benefit from TRS Plan 1 and PERS Plan 1 is age sixty; from PERS Plan 2, SERS Plan 2, and TRS Plan 2 it is age sixty-five; from LEOFF Plan 2 it is age fifty-three; and from WSPRS Plan 2 it is age fifty-five. Your age or retirement eligibility has no effect on when your ex-spouse is eligible to begin receiving his or her monthly benefit. Your ex-spouse must apply for his or her monthly payment according to the rules for your system and plan.

(j) Your ex-spouse may withdraw his or her share of the accumulated contributions at any time before receiving a monthly retirement benefit. Regardless of whether your ex-spouse withdraws or receives a monthly payment, your monthly benefit payment will be permanently reduced to account for your ex-spouse's share of your retirement account.

(4) **Is there a limit to the amount of contributions I can award to my ex-spouse?** Yes. The amount of contribu-

tions awarded to an ex-spouse, cannot be greater than the **percentage** of the member's monthly benefit used to determine the amount of the monthly benefit awarded to the ex-spouse.

Example:

Accumulated contributions earned during the marriage period:	\$50,000
Member's monthly benefit:	\$1,000
Percentage of member's monthly benefit awarded to ex-spouse:	50%
Monthly benefit awarded to ex-spouse:	\$500 (50% of \$1,000)
<b>Contributions awarded to ex-spouse:</b>	<b>\$25,000 (50% of 50,000)</b>

(5) **What happens if my retirement account was split and then I retire early?**

(a) If you are eligible and decide to retire early, or must retire early because of a disability, your monthly retirement benefit payment will be reduced by an early retirement factor (ERF). See WAC 415-02-320.

(b) To determine the reduction to your benefit because of your preretirement split (see subsection (3)(c) of this section), the adjustment to the amount awarded to your ex-spouse in the dissolution order will be reduced by the ERF used to reduce your benefit.

**Example:** You are a member of PERS Plan 2 and retire for disability two years before you are eligible for a service retirement. The dissolution order awarded your ex-spouse a monthly benefit of five hundred dollars.

Your defined benefit before ERF is applied:	\$2,500	
ERF (factor for retiring two years early)	0.82	
Your base benefit:	\$2,050	(\$2500 x 0.82 ERF)
Adjustment for divorce split:	- \$410	(ex-spouse's \$500 x 0.82 (ERF))
<b>The defined benefit you will receive:</b>	<b>\$1640</b>	<b>(\$2050 - \$410)</b>

Your ex-spouse will receive the full monthly amount (\$500) that was awarded to him or her in the dissolution order, regardless of your benefit amount.

(6) **What language must be used for a property division dissolution order or amendment that is accepted by the department *BEFORE* my retirement?**

(a) The order must include the language provided below. Do *not* use the language in RCW 41.50.670(2). The exact dollar amount of your ex-spouse's monthly benefit must be specified. Do not use formulas or percentages.

The Department of Retirement Systems (department) shall create an account for \_\_\_\_\_ (ex-spouse) in the \_\_\_\_\_ (name of retirement system and plan) and transfer \$ \_\_\_\_\_ from \_\_\_\_\_'s (member's) accumulated contributions account into \_\_\_\_\_'s (ex-spouse's) account. If \_\_\_\_\_ (ex-spouse) does not withdraw the contributions and becomes eligible, the department will pay him or her \$ \_\_\_\_\_ (amount) as a monthly payment for his or her life. If \_\_\_\_\_ (member) retires and receives a monthly retirement benefit payment, the payment will be permanently reduced to account

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for \_\_\_\_\_'s (ex-spouse's) monthly payment. This provision shall become effective no more than 30 days after the department's acceptance of the order.

(b) If you are a member of PERS Plan 1 or TRS Plan 1, the amount of service credit awarded to your ex-spouse must be specified in the order if he or she is awarded a portion of gainsharing payments and cost-of-living adjustments. Because gainsharing payments and cost-of-living adjustments are based on service credit, the following paragraph must be included:

If \_\_\_\_\_ (ex-spouse) receives a monthly retirement payment, the department shall use \_\_\_\_\_ (number) months of service credit to calculate future gainsharing payments, if any, and cost-of-living adjustments when he or she becomes eligible.

**(7) How will my account be affected if the department accepts the property division dissolution order AFTER my retirement?**

(a) The department will split your retirement account *only if* you selected your ex-spouse to receive survivor benefits at the time you retired. If you did not select your ex-spouse to receive survivor benefits at the time you retired, you cannot use this section. You *must* use WAC 415-02-510.

(b) If you selected your ex-spouse to receive survivor benefits at the time you retired, the rules in subsection (3)(a) through (f) of this section will apply.

(c) At the time the department splits your account, your ex-spouse will be removed as the survivor beneficiary on your account.

(d) Regardless of his or her age, your ex-spouse will begin receiving a monthly benefit the first month after the department has accepted the dissolution order.

**(8) If the property division dissolution order is dated AFTER my retirement, how will my monthly retirement benefit payment be calculated after the split?**

(a) The dissolution order must state the exact dollar amount your ex-spouse is to receive as his or her separate monthly benefit. The following describes how the new amount of your benefit will be calculated, assuming your ex-spouse was awarded a monthly benefit of one thousand dollars in the dissolution order.

Step 1 The department will determine the single life benefit of your current monthly benefit payment by dividing your current monthly benefit payment by the survivor option factor (see WAC 415-02-380) in effect at the time of the split.

**Example:**

Current monthly benefit = \$1679.38

Option factor = 0.9400000

Single life benefit amount =  $\$1679.38 / 0.9400000 = \$1786.57$

Step 2 The single life benefit (\$1786.57) is divided by your annuity factor (see WAC 415-02-360) to determine the current present value of the single life benefit amount. The annuity factor the department uses is the factor for your age as of the date of the split.

**Example:**

Your age at time of the split = 61 years old

Annuity factor for age 61 = 0.0084149

Present value of single life benefit =  $\$1786.57 / 0.0084149 = \$212,310.31$

Step 3 The department then determines the present value of your ex-spouse's share by dividing your ex-spouse's monthly benefit amount (as awarded in the dissolution order) by your ex-spouse's annuity factor. The annuity factor is the factor for your ex-spouse's age as of date of the split.

**Example:**

Ex-spouse's monthly benefit amount = \$1000

Ex-spouse's age at time of the split = 67

Annuity factor for age 67 = 0.0095028

Present value of your ex-spouse's monthly benefit =  $\$1000 / 0.0095028 = \$105,232.14$

Step 4 Next, the department subtracts your ex-spouse's present value from the single life benefit present value. The result is the present value of the benefit you will receive.

**Example:**

Present value of single life benefit = \$212,310.31

Less present value of ex-spouse's benefit = -105,232.14

Your present value = \$107,078.17

Step 5 The department determines your new monthly benefit amount by multiplying your present value by your annuity factor.

**Example:**

Your present value = \$107,078.17

Annuity factor = 0.0084149

Your new monthly benefit amount =  $\$107,078.17 \times 0.0084149 = \$901.05$

(b) The department determines the percentage of the total present value each of you will receive by dividing each of your present value amounts by the single life benefit present value amount.

**Example:**

Your percentage of the single life benefit present value:  $\$107,078.17 / \$212,310.31 = .5043$

Your ex-spouse's percentage of the single life benefit present value:  $\$105,232.14 / \$212,310.31 = .4957$

**(9) What language must be used in a property division dissolution order or amendment that is accepted by the department AFTER my retirement?**

(a) The order must include the language provided below. Do *not* use the language in RCW 41.50.670(2). The exact dollar amount of your ex-spouse's monthly benefit must be specified. Do not use formulas or percentages.

The Department of Retirement Systems (department) shall create an account for \_\_\_\_\_ (ex-spouse) in the \_\_\_\_\_ (name of retirement system and plan) and pay him or her \$ \_\_\_\_\_ (amount) as a monthly benefit payment for his or her life. To pay for this benefit, \_\_\_\_\_'s (retiree's) monthly retirement

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benefit payment will be reduced for his or her life. If (retiree) has any unused contributions remaining in his or her account, \$\_\_\_\_\_ (amount) shall be transferred to \_\_\_\_\_'s (ex-spouse's) account. This provision shall become effective no more than 30 days after the department's acceptance of the order.

(b) If the member is in PERS Plan 1 or TRS Plan 1, the amount of service credit awarded to the ex-spouse must be specified in the order if he or she is entitled to a portion of gainsharing payments and cost-of-living adjustments. Because gainsharing payments and cost-of-living adjustments are based on service credit, the following paragraph must be included:

If \_\_\_\_\_ (ex-spouse) receives a monthly retirement payment, the department shall use \_\_\_\_\_ (number) months of service credit to calculate future gainsharing payments, if any, and cost-of-living adjustments when he or she becomes eligible.

(10) **Is there a maximum payment amount that the department will pay to my ex-spouse?** Yes. See RCW 41.50.670(4) or WAC 415-02-500(10) for information.

(11) **Can I amend an existing order that has awarded an interest in my account to my ex-spouse under WAC 415-02-520 and remove my ex-spouse as my survivor beneficiary?** Yes. To remove your ex-spouse as your survivor beneficiary, you must submit a "conformed copy" of the court order splitting your account. A conformed copy is a copy of the order that has been signed by the judge or commissioner on or after July 1, 2003, and filed with the court. Removing your ex-spouse as survivor beneficiary will change your retirement benefit. See WAC 415-02-520 (((8)))(9) for the language that must be used.

#### Example:

Julio and May were married when Julio retired. Julio chose survivor Option 2 (joint and one hundred percent survivorship) when he retired. This meant that if Julio died, May would receive monthly survivor benefits. Two years after Julio's retirement, the couple divorced. The court awarded "one hundred percent of retirement benefits" to Julio. Julio later learned that this award did not change the survivor option. Julio can return to court and obtain an order stating that May is to receive "\$0" as the dollar amount for her separate monthly benefit. The order must use the language in WAC 415-02-520(8) and be signed by the court no sooner than July 1, 2003.

(12) **How much is the fee the department charges for making payments directly to my ex-spouse?** See RCW 41.50.680 and WAC 415-02-500(11) for information.

(13) **What happens if I transfer to Plan 3 after the property division dissolution order has been filed with the department?** See WAC 415-02-550 for information.

#### (14) Terms used:

(a) Department's acceptance - Order that fully complies with the department of retirement systems requirements and RCW 41.50.500.

(b) Dissolution order - RCW 41.50.500.

(c) Ex-spouse - WAC 415-02-030.

(d) LEOFF - Law enforcement officers' and fire fighters' system.

(e) PERS - Public employees' retirement system.

(f) Plan 3 retirement systems - WAC 415-111-100.

(g) SERS - School employees' retirement system.

(h) Split account - WAC 415-02-030.

(i) Survivor benefits - WAC 415-02-030.

(j) TRS - Teachers' retirement system.

(k) Vested - The length of service, by system and plan, required to receive a service retirement when age requirements are met.

(l) WSPRS - Washington state patrol retirement system.

#### Footnotes to section:

<sup>1</sup> When a court splits your retirement account, the department will establish a separate account for your ex-spouse. Once the account is established, your account and your ex-spouse's account are not tied in any way.

<sup>2</sup> If an ex-spouse was not listed as the member's survivor beneficiary at retirement, then no postretirement property division dissolution order (or postretirement amendment) may split the member's retirement account using WAC 415-02-520.

### WSR 04-05-044

#### PROPOSED RULES

#### DEPARTMENT OF HEALTH

(Medical Quality Assurance Commission)

[Filed February 12, 2004, 2:18 p.m.]

#### Original Notice.

Preproposal statement of inquiry was filed as WSR 01-15-089.

Title of Rule: WAC 246-918-120 Physician assistant remote site criteria.

Purpose: The rule amendment is being proposed to ensure public safety by requiring demonstration of minimal competency before practicing without direct supervision from the supervising physician.

Other Identifying Information: During the 1999 legislative session, the legislature required physician assistants demonstrate minimum competency by taking an exam (RCW 18.71A.020).

Statutory Authority for Adoption: RCW 18.71A.020.

Statute Being Implemented: Chapter 18.71A RCW.

Summary: This proposal will limit practice in remote sites to only those individuals who have demonstrated minimum competency by successfully passing the examination or by having had significant oversight by the supervising physician.

Reasons Supporting Proposal: To ensure public safety by requiring the physician assistant new graduates to take and successfully pass the examination that will demonstrate minimum competency.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Beverly A. Thomas, 310 Israel Road S.E., Tumwater, WA 98501, (360) 236-4788.

Name of Proponent: Department of Health and the Medical Quality Assurance Commission.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule will increase the minimum requirements for physician assistants working in a remote site setting. During the 1999 legislative session, the legislature increased the requirements for physician assistant licensure by requiring physician assistants to demonstrate minimum competency by taking and passing an examination (RCW 18.71A.020). This proposal will limit practice in remote sites to only those individuals who have demonstrated minimum competency by successfully passing the examination or by having had significant oversight by the supervising physician. This will also ensure public safety by the requirement to show proof of minimal competency to practice in a remote site.

Proposal Changes the Following Existing Rules: The proposal amends WAC 246-918-120 by updating the minimal criteria physician assistants must meet to practice in a remote site. Under the amendment, only licensed physician assistants may practice in a remote site, those working under an interim permit may not.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

**Background:** Rules promulgated must promote the delivery of quality health care to the residents of Washington state. The intentions of physician assistant (PA) regulation are to protect the public from being misled by incompetent, unethical and/or unauthorized persons; to assure the availability of physician assistant services of a level of minimal competency correlating to a high level of patient care; and to assure the professional conduct and competency in the delivery of counseling services.

The Washington State Medical Quality Assurance Commission (MQAC) defines and establishes qualifications and requirements for education, training, supervision, and examination for the licensure of PAs under RCW 18.71A.020. Ultimately, the MQAC establishes rules that it considers are appropriate for the protection of consumers and patients of PAs, the people of the state of Washington.

WAC 246-918-120 allows PAs to be utilized in a remote site. After graduating from a licensed physician assistant program, an interim permit for up to one year can be acquired. As the rules currently allow, such an individual can become employed in a remote site as a PA for one year without taking the National Commission on Certification of Physician Assistants (NCCPA). The NCCPA ensures each certified PA has passed the level of minimal competency, correlating to a high level of patient care to the people of Washington state. A public meeting, in which the MQAC was present, all agreed an amendment was in order to ensure no interim permit PA can be utilized in a remote site because of the lack of physician supervision.

**Rule-making Requirements of the Regulatory Fairness Act (Chapter 19.85 RCW):** The Regulatory Fairness Act, RCW 19.85.030 requires the department to conduct a small business economic impact statement (SBEIS) for proposed rules that have more than minor impact on small businesses. As defined in RCW 19.85.020 a small business is

"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."

**I. What does the rule or rule amendment require?**

The proposed rule amendment prevents any PA holding an interim permit from being employed and utilized at a remote site. Such rule will cause all PAs in remote sites to be certified. The proposed amendment directly affects PAs in the following ways:

- Make certain that only certified PAs, who have passed the NCCPA, are utilized in remote sites.
- Compel those PAs with interim permits to be employed at the same site as the physician to ensure adequate physician supervision and oversight.

**II. Which industries are affected by this rule?** In preparing this small business economic impact statement (SBEIS), the Department of Health used the following codes:

SIC	Description	Minor Impact Threshold (\$)
8049	Office of Health Practitioners	66.10

**III. What are the costs of complying with this rule for small businesses (those with fifty or fewer employees) and for the largest 10% of businesses affected?** The most current data indicate there are currently no PAs with an interim permit working in a remote site in Washington state. Therefore, the cost to both small businesses and the largest 10% is zero.

**IV. Does the rule impose a disproportionate impact on small businesses?** Since the rule change imposes zero costs to both small and large businesses, there is no disproportionate impact on small businesses. On the contrary, small businesses that utilize PAs in remote sites will only accrue benefits. The proposed rule amendment demands a higher minimal level of competency, translating into a diminished level of risk to the small business.

**V. How will you involve small business in the rule making?** The Department of Health advertised the proposed rule by sending to the "interested parties listing" that included the MEDEX Physician Assistant Program, Washington Academy of Physician Assistants and the Washington State Medical Association. Also, the rule change was publicized in the MQAC's newsletter in the summer of 2001 that was sent to all active licensed physicians and PAs in and out of the state of Washington.

A copy of the statement may be obtained by writing to Beverly A. Thomas, Medical Quality Assurance Commission, P.O. Box 47866, Olympia, WA 98504, phone (360) 236-4788, fax (360) 236-4768.

RCW 34.05.328 applies to this rule adoption. This rule places an additional qualification on a license, rules that amend licensure requirements are legislatively significant under RCW 34.05.328 (5)(c)(iii)(B).

Hearing Location: Holiday Inn Select, One Grady Way South, Renton, WA 98055, on April 16, 2004, at 1:30 p.m.

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Assistance for Persons with Disabilities: Contact Beverly A. Thomas by April 1, 2004, TDD (800) 833-6388 or (360) 236-4788.

Submit Written Comments to: Beverly A. Thomas, P.O. Box 47866, Olympia, WA 98504, fax (360) 586-4573, by April 1, 2004.

Date of Intended Adoption: April 16, 2004.

January 15, 2004  
Doron N. Maniece  
Executive Director

**AMENDATORY SECTION** (Amending WSR 96-03-073, filed 1/17/96, effective 2/17/96)

**WAC 246-918-120 Remote site—Utilization—Limitations, geographic.** (1) No licensee shall be utilized in a remote site without approval by the commission or its designee. A remote site is defined as a setting physically separate from the sponsoring or supervising physician's primary place for meeting patients or a setting where the physician is present less than twenty-five percent of the practice time of the licensee.

(2) Approval by the commission or its designee may be granted to utilize a licensee in a remote site if:

(a) There is a demonstrated need for such utilization;

(b) Adequate provision for timely communication between the primary or alternate physician and the licensee exists;

(c) The responsible sponsoring or supervising physician spends at least ten percent of the practice time of the licensee in the remote site. In the case of part time or unique practice settings, the physician may petition the commission to modify the on-site requirement providing the sponsoring physician demonstrates that adequate supervision is being maintained by an alternate method. The commission will consider each request on an individual basis;

(d) The names of the sponsoring or supervising physician and the licensee shall be prominently displayed at the entrance to the clinic or in the reception area.

(3) No physician assistant holding an interim permit shall be utilized in a remote site setting.

**WSR 04-05-049**

**PROPOSED RULES**

**COLUMBIA RIVER  
GORGE COMMISSION**

[Filed February 13, 2004, 9:03 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: Chapter 350-12, Public records disclosure.

Purpose: The Columbia River Gorge Compact Art. I, § a and the Columbia River Gorge National Scenic Area Act, 16 U.S.C. § 544c(b) require the gorge commission to maintain regulations relating to public records disclosure that are consistent with the more restrictive statutory provisions of either state. In 2003, Oregon adopted changes to its public

records disclosure rules. These amendments make those changes effective to the gorge commission.

Statutory Authority for Adoption: RCW 43.97.015, ORS 196.150, 16 U.S.C. § 544c(b).

Statute Being Implemented: RCW 43.97.015, ORS 196.150, 16 U.S.C. § 544c(b).

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Martha Bennett, Executive Director, White Salmon, Washington 98672, (509) 493-3323.

Name of Proponent: Columbia River Gorge Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The Columbia River Gorge Compact Art. I, § a and the Columbia River Gorge National Scenic Area Act, 16 U.S.C. § 544c(b) require the gorge commission to maintain regulations relating to public records disclosure that are consistent with the more restrictive statutory provisions of either state. In 2003, Oregon adopted changes to its public records disclosure rules. In 2003, Oregon adopted changes to the Oregon Open Meeting Act to keep certain utility security information confidential. These amendments make those changes effective to the gorge commission. The gorge commission will be permitted to withhold disclosure of information relating to security of various utility facilities.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The amendments involve internal procedures only. No economic impact is anticipated.

RCW 34.05.328 does not apply to this rule adoption. The amendments are exempt under RCW 34.05.329 (5)(b) (2). In addition, the gorge commission, as an interstate compact agency is not subject to either states' legislative review process for its administrative rules.

Hearing Location: Rock Creek Recreation Center, 710 S.W. Rock Creek Drive, Stevenson, WA, on April 13, 2004, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Columbia River Gorge Commission by April 9, 2004.

Submit Written Comments to: Columbia River Gorge Commission, #1 Town and Country Square, P.O. Box 730, White Salmon, WA 98672, fax (509) 493-2229, by April 12, 2004.

Date of Intended Adoption: April 13, 2004.

February 9, 2004  
Nancy A. Andring  
Rules Coordinator

**AMENDATORY SECTION**

**350-12-008. Public records exempt from disclosure.**

(1) The following public records are exempt from disclosure under 350-12-001 to 350-12-008 unless the public interest requires disclosure in the particular instance:

(a) Records of the commission pertaining to litigation to which the commission is a party if the complaint has been filed, or if the complaint has not been filed, if the commission shows that such litigation is reasonably likely to occur. This exemption does not apply to litigation which has been concluded, and nothing in this paragraph shall limit any right or opportunity granted by discovery or deposition statutes to a party to litigation or potential litigation;

(b) Trade secrets. "Trade secrets," as used in this section, may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or service or to locate minerals or other substances, having commercial value, and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it;

(c) Investigatory information compiled for criminal law purposes, except that the record of an arrest or the report of a crime shall not be confidential unless and only so long as there is a clear need in a particular case to delay disclosure in the course of a specific investigation. Nothing in this paragraph shall limit any right constitutionally guaranteed, or granted by statute, to disclosure or discovery in criminal cases. For purpose of this paragraph, the record of an arrest or the report of a crime includes, but is not limited to:

(A) The arrested person's name, age, residence, employment, marital status and similar biographical information;

(B) The offense with which the arrested person is charged;

(C) The conditions of release;

(D) The identity of and biographical information concerning both complaining party and victim;

(E) The identify of the investigation and arresting agency and the length of the investigation;

(F) The circumstances of arrest, including time, place, resistance in apprehending fugitives from justice;

(G) Such information as may be necessary to enlist public assistance in apprehending fugitives from justice.

(d) Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination before the examination is given and if the examination is to be used again;

(e) Information relating to the appraisal of real estate prior to its acquisition;

(f) The names and signatures of employees who sign authorization cards or petitions for the purpose of requesting representation or decertification elections;

(g) Investigatory information relating to any complaint filed relating to unlawful employment practices until such time as the complain is resolved, or a final administrative determination is made;

(h) Investigatory information relating to any complaint filed relating to unfair labor practices;

(i) Information concerning the location of archaeological sites or objects, except if the governing body of an Indian tribe requests the information and the need for the information is related to that Indian tribe's cultural or religious activities. This exemption does not include information relating to

a site that is all or part of an existing, commonly known and publicized tourist activity or attraction; and

(j) A personnel discipline action, or materials or documents supporting that action.

(k) Sensitive fish, wildlife, and plant data obtained by or created by the Gorge Commission. However, sensitive fish, wildlife and plant data may be released to government agencies concerned with the management of fish and wildlife resources. Sensitive fish, wildlife, and plant data includes:

(1) The nesting sites or specific locations of endangered, threatened or sensitive species listed in the Management Plan or otherwise designated by the appropriate agencies in Oregon and Washington;

(2) Radio frequencies used in or locational data generated by telemetry studies;

(3) Other location data that could compromise the viability of a specific fish, wildlife or plant population and where one or more of the following criteria are met:

(A) The species has a known commercial or black market value

(B) There is a history of malicious take of that species; or

(C) There is a known demand to visit, take, or disturb, and the species behavior or ecology renders it especially vulnerable or the species has an extremely limited distribution and concentration.

(l) Records or information that would reveal or otherwise identify security measures, or weaknesses or potential weaknesses in security measures, taken or recommended to be taken to protect:

(1) An individual;

(2) Buildings or other property; or

(3) Information processing, communication or telecommunication systems, including the information contained in the systems.

(2) The following public records are exempt from disclosure under 350-12-001 to 350-12-008:

(a) Communications within a public body or between public bodies of an advisory nature to the extent that they cover other than purely factual materials and are preliminary to any final agency determination of policy or action. This exemption shall not apply unless the commission shows that in the particular instance the public interest in encouraging frank communication between officials and employees of the commission clearly outweighs the public interest in disclosure;

(b) Information of a personal nature such as but not limited to that kept in a personal, medical or similar file, if the public disclosure thereof would constitute an unreasonable invasion of privacy, unless the public interest by clear and convincing evidence requires disclosure in the particular instance. The party seeking disclosure shall have the burden of showing that public disclosure would not constitute an unreasonable invasion of privacy;

(c) Information submitted to the commission in confidence and not otherwise required by law to be submitted, where such information should reasonably be considered confidential, the commission has obliged itself in good faith not to disclose the information, and when the public interest would suffer by the disclosure;

(d) Any public records or information the disclosure of which is prohibited by federal or state law or regulations;

(e) Public records or information the disclosure of which is prohibited or restricted or otherwise made confidential or privileged;

(f) Public records or information described in this section, furnished by the public body originally compiling, preparing or receiving them to any other public officer or public body in connection with performance of the duties of the recipient, if the considerations originally giving rise to the confidential or exempt nature of the public records or information remain applicable.

(g) Information about review or approval of programs relating to the security of:

(1) Generation, storage or conveyance of:

(A) Electricity;

(B) Gas in liquefied or gaseous form;

(C) Hazardous substances as defined by Oregon or

Washington state law;

(D) Petroleum products;

(E) Sewage; or

(F) Water;

(2) Telecommunications systems, including cellular, wireless or radio systems.

(3) Data transmissions by whatever means provided.

(3) If any public record contains material which is not exempt under subsection (1) or (2) of this section, as well as material which is exempt from disclosure, the commission shall separate the exempt and nonexempt material and make the nonexempt material available for examination.

(4) An individual may submit a written request to a public body not to disclose a specified public record indicating the home address or personal telephone number of the individual. A public body shall not disclose the specified public record if the individual demonstrates to the satisfaction of the public body that the personal safety of the individual or the personal safety of a family member residing with the individual is in danger if the home address or personal telephone number remains available for public inspection.

(a) A request described in subsection (1) of this section shall remain effective until the public body receives a written request for termination but no later than five years after the date that a public body receives the request.

(b) A public body may disclose a home address or personal telephone number of an individual exempt from disclosure under subsection (1) of this section upon court order, on request from any law enforcement agency or with the consent of the individual.

(c) A public body shall not be held liable for granting or denying an exemption from disclosure under this section or any other unauthorized release of a home address or personal telephone number granted an exemption from disclosure under this section.

(5) Notwithstanding the exemptions in 350-12-008 (1) and (2), public records that are more than 25 years old shall be available for inspection

(6) Notwithstanding 350-12-001 through 350-12-008, the Commission shall not disclose records in violation of a user agreement or license that prohibits the Commission from disclosing such records. The Commission shall refer persons

to the creator of the record if the Commission has obtained the records through agreement or license, or for which the Commission was charged a fee, other than a nominal fee for reimbursement of duplicating costs, for the record.

(7) Disclosure of information in violation of Rule 350-12-006(2) is grounds for assessment of a civil penalty pursuant to Rule 350-30 et seq.

**Reviser's note:** The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

## WSR 04-05-050

### PROPOSED RULES

### COLUMBIA RIVER GORGE COMMISSION

[Filed February 13, 2004, 9:05 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: Chapter 350-11, Open meetings.

Purpose: The Columbia River Gorge Compact Art. I, § a and the Columbia River Gorge National Scenic Area Act, 16 U.S.C. § 544c(b) require the gorge commission to maintain regulations relating to open meetings that are consistent with the more restrictive statutory provisions of either state. In 2003, Oregon adopted changes to the Oregon Open Meeting Act to keep certain utility security information confidential. This rule makes those changes effective to the gorge commission.

Statutory Authority for Adoption: RCW 43.97.015, ORS 196.150, 16 U.S.C. § 544c(b).

Statute Being Implemented: RCW 43.97.015, ORS 196.150, 16 U.S.C. § 544c(b).

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Martha Bennett, Executive Director, White Salmon, Washington 98672, (509) 493-3323.

Name of Proponent: Columbia River Gorge Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The Columbia River Gorge Compact Art. I, § a and the Columbia River Gorge National Scenic Area Act, 16 U.S.C. § 544c(b) require the gorge commission to maintain regulations relating to open meetings that are consistent with the more restrictive statutory provisions of either state. In 2003, Oregon adopted changes to the Oregon Open Meeting Act to keep certain utility security information confidential. This rule makes those changes effective to the gorge commission. The gorge commission will be permitted to discuss in executive session, information relating to security of various utility facilities.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The amendments involve internal procedures only. No economic impact is anticipated.

RCW 34.05.328 does not apply to this rule adoption. The amendments are exempt under RCW 34.05.328 (5)(b) (2). In addition, the gorge commission, as an interstate compact agency is not subject to either states' legislative review process for its administrative rules.

Hearing Location: Rock Creek Recreation Center, 710 S.W. Rock Creek Drive, Stevenson, WA, on April 13, 2004, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Columbia River Gorge Commission by April 9, 2004.

Submit Written Comments to: Columbia River Gorge Commission, #1 Town and Country Square, P.O. Box 730, White Salmon, WA 98672, fax (509) 493-2229, by April 12, 2004.

Date of Intended Adoption: April 13, 2004.

February 9, 2004

Nancy A. Andring  
Rules Coordinator

## AMENDATORY SECTION

### **350-11-006. Executive sessions permitted on certain matters; procedures; news media representatives' attendance; limits**

(1) The commission can hold executive session during a regular, special or emergency meeting, after the presiding officer has identified the authorization for the holding of such executive session. Executive session may be held:

(a) To consider the employment of a public officer, employee, staff member or individual agent. The exception contained in this paragraph does not apply to:

(A) The filling of a vacancy in an elective office;

(B) The filling of a vacancy on any public committee, commission or other advisory group;

(C) The consideration of general employment policies;

(D) The employment of the chief executive officer, other public officers, employees and staff members of any public body unless the vacancy in that office has been advertised, regularized procedures for hiring have been adopted by the public body and there has been opportunity for public input into the employment of such an officer. However, the standards, criteria and policy directives to be used in hiring chief executive officers shall be adopted by the commission in meetings open to the public in which there has been opportunity for public comment.

(b) To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, unless such public officer, employee, staff member or individual agent requests an open hearing;

(c) To conduct deliberations with persons designated by the commission to carry on labor negotiations;

(d) To conduct deliberations with persons designated by the commission to negotiate real property transactions;

(e) To consider information or records that are exempt by law from public inspection;

(f) To consider preliminary negotiations involving matters of trade or commerce in which the commission is in competition with governing bodies in other states or nations;

(g) To consult with counsel concerning the legal rights and duties of the commission with regard to current litigation or litigation likely to be filed;

(h) To review and evaluate, pursuant to standards, criteria and policy directives adopted by the commission, the employment-related performance of the chief executive officer of the commission, a public officer, employee or staff member unless the person whose performance is being reviewed and evaluated requests an open hearing. The standards, criteria and policy directives to be used in evaluating chief executive officers shall be adopted by the commission in meetings open to comment. An executive session for purposes of evaluating a chief executive officer or other officer, employee or staff member shall not include a general evaluation of any agency goal, objective or operation ~~of~~ or any directive to personnel concerning agency goals, objectives, operations or programs;

(i) To carry on negotiations with private persons or business regarding proposed acquisition, exchange or liquidation of public investments.

(j) To discuss information about the review or approval or programs relating to the security of any of the following:

(A) A nuclear-powered thermal power plant or nuclear installation.

(B) Transportation of radioactive material derived from or destined for a nuclear-fueled thermal power plant or nuclear installation.

(C) Generation, storage or conveyance of:

(i) Electricity;

(ii) Gas in liquefied or gaseous form;

(iii) Hazardous substances as defined by Oregon or Washington state law;

(iv) Petroleum products;

(v) Sewage; or

(vi) Water;

(D) Telecommunications systems, including cellular, wireless or radio systems.

(E) Data transmissions by whatever means provided.

(2) Labor negotiations may be conducted in executive session if either side of the negotiators requests closed meetings. Subsequent sessions of the negotiations may continue without further public notice.

(3) Representatives of the news media shall be allowed to attend executive sessions other than those held under paragraph (c) of subsection (1) of this section relating to labor negotiations but no information that is the subject of the executive session shall be disclosed. The Commission shall bar any member of the news media from attending the executive session if the member of the news media is a party to the litigation or is an employee, agent or contractor of a news media organization that is a party to the litigation.

(4) No executive session may be held for the purpose of taking any final action or making any final decision.

**Reviser's note:** The typographical error in the above material occurred in the copy filed by the Columbia River Gorge Commission and appears in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 04-05-054**  
**PROPOSED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed February 13, 2004, 11:53 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 03-18-094.

Title of Rule: Chapter 392-142 WAC, Transportation—Replacement and depreciation allocation.

Purpose: To add language that will require a hearing process on proposed category changes and to make other minor technical corrections.

Statutory Authority for Adoption: RCW 28A.150.290.

Statute Being Implemented: RCW 28A.160.195.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Charlie Schreck, Office of Superintendent of Public Instruction, (360) 725-6136; Implementation: Marcia Riggers, Office of Superintendent of Public Instruction, (360) 725-6175; and Enforcement: Allan J. Jones, Office of Superintendent of Public Instruction, (360) 725-6120.

Name of Proponent: Office of Superintendent of Public Instruction, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal Changes the Following Existing Rules: The revision requires the Office of Superintendent of Public Instruction to provide a public hearing for interested parties prior to the adoption of any change in school bus categories.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This revision does not affect small business.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Old Capitol Building, P.O. Box 47200, Brouillet Conference Room, Olympia, WA 98504-7200, on March 30, 2004, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Ben Gravely by March 20, 2004, TDD (360) 664-3631 or (360) 725-6142.

Submit Written Comments to: Legal Services, Office of Superintendent of Public Instruction, P.O. Box 47200, 600 South Washington Street, Olympia, WA 98504-7200, fax (360) 753-4201, by March 29, 2004.

Date of Intended Adoption: March 31, 2004.

February 12, 2004

Dr. Terry Bergeson  
 Superintendent of  
 Public Instruction

**AMENDATORY SECTION** (Amending WSR 03-13-049, filed 6/12/03, effective 7/13/03)

**WAC 392-142-165 Definition—State-determined purchase price.** As used in this chapter, "state-determined purchase price" means the state replacement or depreciation rate for school buses which shall be based upon the lowest

competitive price quote received from school bus dealers for each category of school bus, documented in modified vendor bid proposals associated with meeting state-supported competitive specifications.

Included in the lowest competitive price quote are:

- (1) Freight to the school district; and
- (2) Cost associated with full payment within thirty days of delivery.

Sales tax is not included as a part of establishing the lowest price quote. Sales tax shall be included in the state-determined purchase price at the highest rate that could be charged to any school district in the state when purchasing a school bus as provided annually by the department of revenue.

**AMENDATORY SECTION** (Amending WSR 95-17-011, filed 8/4/95, effective 9/4/95)

**WAC 392-142-205 Determination of school bus categories by the superintendent of public instruction.** The superintendent of public instruction, in consultation with the regional transportation coordinators of the educational service districts, shall annually establish a minimum number of school bus categories considering student capacity and type. The superintendent of public instruction will provide a public hearing for interested parties prior to the adoption of any change in school bus categories.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 392-142-115	Definition—Specialized equipment.
WAC 392-142-130	Definition—Gasoline engine.
WAC 392-142-135	Definition—Diesel engine.

**WSR 04-05-055**  
**PROPOSED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed February 13, 2004, 11:55 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 03-03-034.

Title of Rule: Chapter 392-143 WAC, Transportation—Specifications for school buses.

Purpose: Proposed revisions will require all Washington state public school buses to meet all federal motor vehicle safety standards applicable to school buses effective April 1, 1977. The effective date will be December 31, 2004. Technical corrections have been made deleting items that will be referenced in the specifications manual. Also a clear definition regarding the use of nonconforming vans has been added.

Statutory Authority for Adoption: RCW 46.61.380.

Statute Being Implemented: RCW 46.61.380.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Charlie Schreck, Office of Superintendent of Public Instruction, (360) 725-6136; Implementation: Marcia Riggers, Office of Superintendent of Public Instruction, (360) 725-6175; and Enforcement: Allan J. Jones, Office of Superintendent of Public Instruction, (360) 725-6120.

Name of Proponent: Office of Superintendent of Public [Instruction], governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal Changes the Following Existing Rules: These changes will require all Washington state public school buses to meet all federal motor vehicle safety standards applicable to school buses effective April 1, 1977. The effective date will be December 31, 2004.

Technical corrections have been made deleting items which shall be moved to the specifications manual.

A clear definition regarding the use of nonconforming vans has been added.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable.

RCW 34.05.328 does not apply to this rule adoption. Not applicable.

Hearing Location: Old Capitol Building, P.O. Box 47200, Brouillet Conference Room, Olympia, WA 98504-7200, on March 30, 2004, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Ben Gravely by March 20, 2004, TDD (360) 664-3631 or (360) 725-6142.

Submit Written Comments to: Legal Services, Office of Superintendent of Public Instruction, P.O. Box 47200, 600 South Washington Street, Olympia, WA 98504-7200, fax (360) 753-4201, by March 29, 2004.

Date of Intended Adoption: March 31, 2004.

February 12, 2004  
Dr. Terry Bergeson  
Superintendent of  
Public Instruction

**AMENDATORY SECTION** (Amending WSR 01-17-006, filed 8/1/01, effective 9/1/01)

**WAC 392-143-010 Definitions.** ((As used in this chapter and subject to the "school bus specifications," as now or hereafter established by the superintendent of public instruction, the term:)) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

(1) "School bus" ((shall)) means every vehicle with a seating capacity of more than ten persons including the driver regularly used to transport students to and from school or in connection with school activities.

(2) ((A Type "A" school bus shall mean a conversion or body constructed upon a van type or cutaway front section vehicle with a left side driver's door designed for carrying more than ten persons. This definition shall include: Type A

1, with a gross vehicle weight rating of 10,000 pounds and under; and Type A-2 with a gross vehicle weight rating over 10,000 pounds.

(3) A Type "B" school bus shall mean a conversion or body constructed and installed upon a van or front section vehicle chassis, or stripped chassis, with a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than ten persons. Part of the engine is beneath and/or behind the windshield and beside the driver's seat, and the entrance door is behind the front wheels.

(4) A Type "C" school bus shall mean a body installed upon a flat back cowl chassis with a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than ten persons. All of the engine is in front of the windshield and the entrance door is behind the front wheels. A Type "C" school bus shall also mean a body installed on a stripped chassis with a vehicle weight rating of more than 10,000 pounds, designed for carrying 35/36 passengers or more, and where part of the engine is beneath and/or behind the windshield and beside the driver's seat and the entrance door is behind the front wheels.

(5) A Type "D" school bus shall mean a body installed upon a chassis, with the engine mounted in the front, midship, or rear, with a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than ten persons. The engine may be behind the windshield and beside the driver's seat, at the rear of the bus behind the rear wheels, or midship between the front and rear axles. The entrance door is ahead of the front wheels.

(6) A school bus designed to transport students with special needs shall mean any Type A, B, C, or D school bus as defined in this section which has been modified to transport students with special needs:)) "School bus specifications manual" means that manual published and distributed to each school district by the superintendent of public instruction.

(3) "School bus operation permit" means that form issued by the superintendent of public instruction to an individual school district or educational service district, which is required prior to the use of any school bus for the transportation of any common school students.

(4) "Inspection officer" means an employee of the Washington state patrol trained and designated by the chief of the Washington state patrol to inspect school buses.

(5) "SPI Form 1028" means that form prepared and distributed by the superintendent of public instruction upon which the inspection officer indicates that the school bus has been inspected and approved, for used buses previously inspected by the Washington state patrol.

(6) "SPI Form 1029" means that form prepared and distributed by the superintendent of public instruction upon which the inspection officer indicates that the school bus has been inspected and approved upon initial purchase, used buses not previously inspected by the Washington state patrol, and buses which have been repowered or which have undergone rehabilitation or modification repair.



AMENDATORY SECTION (Amending Order 84-39, filed 10/2/84)

**WAC 392-143-015 School bus specifications manual.**

The ~~((superintendent of public instruction shall publish and distribute to each school district a school bus specification manual which shall be referred to as School Bus Specifications. Such))~~ school bus specifications manual shall incorporate all specifications required by the federal department of transportation motor vehicle safety standards and govern the specifications for all school buses. ~~((Such))~~ The manual is hereby incorporated into this chapter by reference. Prior to any revision of the school bus specification manual, the superintendent of public instruction shall serve notice to interested parties and shall hold at least one public hearing.

AMENDATORY SECTION (Amending Order 22, filed 11/19/91, effective 11/19/91)

**WAC 392-143-030 School buses—Permit and license.** ~~((All school buses, as a condition for use to transport students, shall have a school bus operation permit issued in accordance with WAC 392-143-032.))~~ If ~~((the))~~ a school bus is approved in compliance with WAC 392-143-031 and the school district has met requirements of WAC 392-143-032, the superintendent of public instruction shall send three copies of the school bus operation permit to the appropriate school district. The original shall be retained by the school district; one copy shall be placed in the permit holder in the school bus; and one copy shall be presented to the county auditor, along with the operator's application for an exempt state license for the bus if applicable. County auditors shall not issue an exempt license for the bus unless a school bus operation permit accompanies the application for a license.

AMENDATORY SECTION (Amending Order 22, filed 11/19/91, effective 11/19/91)

**WAC 392-143-031 School bus inspection—School bus operation permit.** All school buses must be inspected and approved by a Washington state patrol inspection officer prior to initial issue or reissue of a school bus operation permit. ~~((This inspection must be recorded by the inspecting officer on SPI Form 1029, Initial School Bus Inspection, for new buses, used buses not previously inspected by the Washington state patrol, and buses which have been repowered or which have undergone rehabilitation or modification repair, or recorded by the inspecting officer on SPI Form 1028, Routine School Bus Inspection, for used buses previously inspected by the Washington state patrol.))~~ Effective December 31, 2004, no school bus operation permit shall be valid for any school bus which does not meet Federal Motor Vehicle Safety Standards adopted April 1, 1977.

AMENDATORY SECTION (Amending Order 22, filed 11/19/91, effective 11/19/91)

**WAC 392-143-032 School bus operation permit.** The superintendent of public instruction shall issue school bus operation permits as follows:

(1) ~~((A school bus operation permit))~~ School buses owned or operated by a public school shall be issued a school bus operation permit on receipt of the following properly executed documents for each new school bus or used school bus not previously ~~((licensed))~~ issued a school bus operation permit in Washington state:

(a) Original SPI Form 1020, School Bus Acquisition/Disposition Report;

(b) Copy of the seller's invoice or bill of sale;

(c) Copy of complete set of the successful vendor's bid specifications;

(d) Copy of each warrant issued in full payment of the bus or each warrant issued in part payment of the bus, if any, and, copy of the conditional sales contract, lease purchase agreement, or other evidence of contractual liability;

(e) Original weight slip for the vehicle; and

(f) Original SPI Form 1029, Initial School Bus Inspection.

(2) School buses owned by a private contractor and operated under contract to a public school shall be issued a school bus operation permit on receipt of the following properly executed documents for each new school bus or used school bus not previously issued a school bus operation permit in Washington state:

(a) Original SPI Form 1020A, School Bus Acquisition Report;

(b) Original weight slip for the vehicle; and

(c) Original SPI Form 1029, Initial School Bus Inspection.

(3) A school bus operation permit shall be reissued on receipt of the following properly executed documents for school buses previously licensed in Washington state: Provided, That no school bus operation permit shall be reissued to any school bus which does not meet Federal Motor Vehicle Safety Standards adopted April 1, 1977:

(a) Original SPI Form 1020A, School Bus Acquisition ~~((Disposition))~~ Report, from the school district acquiring the school bus;

(b) Original SPI Form 1020B, School Bus ~~((Acquisition))~~ Disposition Report, from the school district disposing of the school bus, with existing school bus operating permit attached;

(c) Copy of SPI Form 1028, Routine School Bus Inspection, properly authenticated as the inspection report from the most recent annual one hundred percent fleet inspection, which inspection was made within twelve months prior to the date of acquisition;

(d) For school district owned or operated buses, a seller invoice or bill of sale; and

(e) A copy of the warrant issued in payment of the purchase of the bus.

AMENDATORY SECTION (Amending Order 84-39, filed 10/2/84)

**WAC 392-143-050 Resold school buses.** A school district which sells a school bus to anyone other than another school district shall be responsible for removing the school district's name and number and all lettering and markings identifying the vehicle as a school bus prior to its delivery to

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the purchaser. However, if the district sells the school bus to a private party who certifies in writing that the school bus shall be used as a private carrier bus, the district need not remove the ~~((emergency lights))~~ four or eight light warning system and stop signal ~~((paddle))~~ arm.

AMENDATORY SECTION (Amending Order 84-39, filed 10/2/84)

**WAC 392-143-070 Other vehicles used to transport students.** All vehicles with a seating capacity including the driver of ten persons or less shall not be required to meet school bus specifications. Such vehicles regularly used to transport students to and from school or in connection with school activities shall carry the approved school bus first-aid kit, fire extinguisher, and highway warning kit. These vehicles also shall pass a safety inspection routinely conducted at the intervals outlined in WAC 392-143-035.

Students, while being transported in any vehicle not required to meet school bus specifications but used for to and from school transportation and to and from school activities transportation, shall share the same compartment and shall be provided the same general safety and comfort as the driver.

All vehicles used to transport students with a manufacturer rated seating capacity including the driver greater than ten persons shall be required to meet school bus specifications.

AMENDATORY SECTION (Amending WSR 02-20-031, filed 9/23/02, effective 10/24/02)

**WAC 392-143-080 Signs and markings for school buses—Exterior—Interior.** Signs and markings on the exterior of any school bus shall be limited to the requirements of RCW 46.61.380, the ~~((Washington state minimum))~~ requirements of the school bus specifications manual for school buses addressing "identification" and "color," the minimum requirements of "Highway Safety Program Standard No. 17," and any applicable Federal Motor Vehicle Safety Standard (FMVSS). ~~((In addition, the district name may be placed on the front and/or back of the bus below the window line in letters no larger than three inches in height and equipment identification numbers may be placed on the front and/or rear of school bus and/or on or near one or more of the four corners of the bus.))~~

Signs and markings on the interior of any bus shall be limited to necessary and/or required manufacturers' equipment and/or component identification and instruction, and the requirements of the ~~((Washington state minimum))~~ school bus specifications manual ~~((for school buses addressing "emergency equipment cabinet" and "permit holder" and FMVSS 217 addressing "emergency exit identification." In addition, WAC rules and/or district policy addressing student conduct and safety related issues may be displayed in the driver's compartment in an area which will not obstruct the driver's view)).~~

### REPEALER

The following sections of the Washington Administrative Code are repealed:

- |                 |   |
|-----------------|---|
| WAC 392-143-061 | School bus hazard warning lamps and stop lamps. |
| WAC 392-143-065 | School bus tires.                               |

### WSR 04-05-059

#### WITHDRAWAL OF PROPOSED RULES GAMBLING COMMISSION

(By the Code Reviser's Office)

[Filed February 17, 2004, 10:28 a.m.]

WAC 230-04-124, proposed by the Gambling Commission in WSR 03-16-061 appearing in issue 03-16 of the State Register, which was distributed on August 20, 2003, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor  
Washington State Register

### WSR 04-05-060

#### WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF FISH AND WILDLIFE

(By the Code Reviser's Office)

[Filed February 17, 2004, 10:29 a.m.]

WAC 220-56-100, proposed by the Department of Fish and Wildlife in WSR 03-16-084 appearing in issue 03-16 of the State Register, which was distributed on August 20, 2003, is withdrawn by the code reviser's office under RCW 34.05.335 (3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor  
Washington State Register

### WSR 04-05-061

#### WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF LICENSING

(By the Code Reviser's Office)

[Filed February 17, 2004, 10:30 a.m.]

WAC 196-24-110, 196-25-002, 196-25-040 and 196-27A-025, proposed by the Department of Licensing in WSR 03-16-113 appearing in issue 03-16 of the State Register, which was distributed on August 20, 2003, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor  
Washington State Register

**WSR 04-05-062****PROPOSED RULES****DEPARTMENT OF COMMUNITY,  
TRADE AND ECONOMIC DEVELOPMENT**

[Filed February 17, 2004, 10:33 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 03-24-083.

Title of Rule: Lead-based paint accreditation and certification, new rules titled chapter 365-230 WAC.

Purpose: Rules are necessary to implement the mandates of chapter 70.103 RCW to establish a state lead-based paint program. Specifically, the rule will: Establish (1) criteria and procedures for accreditation of lead-based paint training courses and for certification of lead-based paint contractors; (2) work practice standards for the conduct of regulated lead-based paint activities; and (3) enforcement protocols.

Statutory Authority for Adoption: RCW 70.103.0030 (2).

Statute Being Implemented: RCW 70.103.020, 70.103.030, 70.103.040, 70.103.050, 70.103.060, 70.103.070, 70.103.080, 70.103.090.

Summary: Rules are developed to meet the statutory requirement authorizing the Department of Community, Trade and Economic Development (CTED) to establish a state lead-based paint program. These rules are based on the federal lead-based paint program administered by the Environmental Protection Agency (EPA). Adoption of these rules is a prerequisite for EPA authorization of Washington's lead-based paint program. This notice shall also satisfy the requirement of 40 C.F.R. 745.324(2), and is the state's public notice of intent to seek such authorization. Public comment on the state's intent to seek EPA authorization of a state lead-based paint program may be given at the same times, places and manner as described in this notice.

Reasons Supporting Proposal: The adoption of these rules will enable CTED to establish an EPA-authorized lead-based paint program, which will in turn make the state eligible for lead-hazard control grant funds offered by the United States Department of Housing and Urban Development.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Michael Bergman, P.O. Box 48350, Olympia, WA 98504-8350, (360) 725-2941.

Name of Proponent: Department of 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 establish regulations for the establishment and operation of a state lead-based paint program in accordance with the mandate of chapter 70.103 RCW. The rules will provide for the accreditation of lead-based paint training programs, the certification of lead-based paint professionals, the establishment of work practice standards for regulated entities, and program administration and enforcement. The effects of this proposal are expected to be minor. At this time, the Environmental Protection Agency administers the lead-based paint program in Washington according to federal regulations. Because this proposal

adopts the federal regulations without material changes, effects of this rule are anticipated to be insignificant.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule will not impose more than minor costs, if any, on businesses in the affected industry.

RCW 34.05.328 does not apply to this rule adoption. This rule adopts without material change current federal regulations. In addition, CTED is not listed as one of the agencies required to comply with this RCW.

Hearing Location: Davis-Williams Building, First Floor Conference Room, 906 Columbia Street S.W., Olympia, WA 98504, on March 23, 2004, at 9:00 a.m.; and at the Kittitas County Courthouse, Commissioner's Auditorium, 205 West 5th Avenue, Ellensburg, WA 98926, on March 24, 2004, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Michael Bergman by ten days prior to hearing.

Submit Written Comments to: Michael Bergman, Lead-Based Paint Program, CTED Housing Division, P.O. Box 48350, Olympia, WA 98504-8350, fax (360) 586-5880, by March 24, 2004.

Date of Intended Adoption: March 24, 2004.

February 12, 2004  
Stephen H. Buxbaum  
Assistant Director

**Chapter 365-230 WAC****ACCREDITATION OF LEAD-BASED PAINT TRAINING PROGRAMS AND THE CERTIFICATION OF FIRMS AND INDIVIDUALS CONDUCTING LEAD-BASED PAINT ACTIVITIES****NEW SECTION**

**WAC 365-230-010 Authority, purpose and scope.** (1) The authority for these regulations is chapter 70.103 RCW.

(2) Purpose.

(a) These regulations address Washington's need for a qualified and properly trained work force to perform inspection, risk assessment and abatement of hazards associated with lead-based paint, as defined in these rules, to safeguard the environment and protect human health, especially for children under six years of age and other high-risk groups from lead-based paint hazards.

(b) These regulations prescribe the accreditation requirements for training providers offering lead-based paint activities training courses to qualify individuals for lead-based paint certification and will require that all lead-based paint training courses be offered or provided only by accredited training providers.

(c) These regulations prescribe the certification requirements of individuals and firms engaged in lead-based paint activities in target housing and child occupied facilities.

(d) These regulations establish work practice standards for the performance of lead-based paint inspection, risk assessment, and abatement activities for individuals and

firms and will require that only certified individuals and firms perform lead-based paint activities.

(3) Scope.

(a) These rules apply to all individuals and firms that are engaged in lead-based paint activities as defined in these regulations, (WAC 365-230-200) except persons who perform these activities within residential dwellings that they own, unless the residential dwelling is occupied by a person or persons other than the owner or the owner's immediate family while these activities are being performed, or a child residing in the building has been identified as having an elevated blood lead level.

(b) These rules establish the requirement that lead-based paint activities be performed only by certified individuals and firms.

(c) These rules prescribe the requirements for, and the manner of, certifying competency of applicants for certification of lead-based paint inspector, risk assessor, supervisor, project designer, and worker, and of legally registered firms employing such individuals.

(d) These rules prescribe work practice standards for the abatement of lead-based paint hazards and for the performance of lead-based paint inspection and risk assessment, and those actions or circumstances that constitute failure to achieve or maintain competency, or that otherwise are contrary to the public interest, for which the department may deny, suspend, revoke, or modify certification.

(e) These rules establish application fees for certification and accreditation.

(f) These rules establish a procedure by which training providers may apply for and obtain accreditation to offer initial lead-based paint activity courses in any of the following disciplines: Inspector, risk assessor, supervisor, project designer, and abatement worker. A training program accredited in a discipline may also seek accreditation to offer refresher courses for the discipline.

(g) These rules prescribe the requirements for training programs to provide, offer, or claim to provide accredited lead-based paint activities courses.

(h) These rules prescribe those actions or circumstances that constitute failure to achieve or maintain competency, or that otherwise are contrary to the public interest, for which the department may deny, suspend, revoke or modify accreditation.

(i) These rules describe the actions or failures to act that constitute violations of these rules and for which the department may issue fines.

(j) These rules establish a schedule of penalties for failure to comply with these rules.

#### NEW SECTION

**WAC 365-230-015 Adoption by reference.** All standards, listings and publications referred to in these rules are by those references made a part of these rules as though fully set forth.

#### NEW SECTION

**WAC 365-230-016 Contact information for accreditation and certification matters.** Application materials and

information concerning lead-based paint accreditation and certification as described in these rules can be obtained from the lead-based paint program via the following contact information:

(1) Mailing address: 906 Columbia Street S.W.; Mail Stop: 48350, Olympia, WA 98504-8350

(2) Telephone number: 360-725-2949

(3) Fax number: 360-586-5880

(4) Website: [www.cted.wa.gov/housing](http://www.cted.wa.gov/housing).

#### NEW SECTION

**WAC 365-230-020 Definitions.** As used in these rules unless otherwise required by context:

(1) "Abatement" means any measure or set of measures designed to permanently eliminate lead-based paint hazards including, but not limited to:

(a) The removal of paint and dust, the permanent enclosure or encapsulation of lead-based paint, the replacement of painted surfaces or fixtures, or the removal or covering of soil, when lead-based paint hazards are present in such paint, dust or soil; and

(b) All preparation, cleanup, disposal, and postabatement clearance testing activities associated with such measures.

Specifically, abatement includes, but is not limited to:

(i) Projects for which there is a written contract or other documentation, which provides that an individual or firm will be conducting activities in or to a residential dwelling or child-occupied facility that results in permanent elimination of lead-based paint hazards or designed to permanently eliminate lead-based paint hazards and described in (a) and (b) of this subsection.

(ii) Projects resulting in the permanent elimination of lead-based paint hazards, conducted by certified and licensed firms or individuals, unless such projects are covered under (c) of this subsection.

(iii) Projects resulting in the permanent elimination of lead-based paint hazards, conducted by firms or individuals who, through the their company name or promotional literature, represent, advertise, or hold themselves out to be in the business of performing lead-based paint activities, unless such projects are covered under (c) of this subsection.

(iv) Projects resulting in the permanent elimination of lead-based paint hazards, that are conducted in response to state or local abatement orders.

(c) Abatement does not include renovation, remodeling, landscaping or other activities, when such activities are not designed to permanently eliminate lead-based paint hazards, but, instead, are designed to repair, restore, or remodel a given structure or dwelling, even though these activities may incidentally result in a reduction or elimination of lead-based paint hazards. Furthermore, abatement does not include interim controls, operations and maintenance activities, or other measures and activities designed to temporarily, but not permanently, reduce lead-based paint hazards.

(3) "Accreditation" means the process whereby the department has reviewed and approved a training provider's written application with associated materials for accredita-

tion, and has conducted an on-site audit finding the training program is in compliance as specified in these rules.

(4) "Accredited training program" means a training program accredited by the department, either directly or through a reciprocity agreement with other jurisdictions, to provide training for individuals engaged in lead-based paint activities.

(5) "Accredited training course" means either an initial or a refresher training course accredited by the department, either directly or through a reciprocity agreement with other jurisdictions, that provides training for individuals engaged in lead-based paint activities.

(6) "Accredited training provider" means an individual, corporation, partnership or other unincorporated association or public entity to which the department has approved accreditation to offer one or more lead-based paint courses.

(7) "Adequate quality control" means a plan or design that ensures the authenticity, integrity, and accuracy of samples, including dust, soil, and paint chip or paint film samples. Adequate quality control also includes provisions for representative sampling.

(8) "Administrator" means the director of the department of community, trade and economic development, or the director's designee.

(9) "Approved" means approved in writing by the department.

(10) "Arithmetic mean" means the algebraic sum of data values divided by the number of data values (e.g., the sum of the concentration of lead in several soil samples divided by the number of samples).

(11) "Business day" means Monday through Friday with the exception of legal Washington state holidays.

(12) "Certified" means issued a certificate by the department based on meeting requirements for the appropriate discipline. Those requirements include, but are not limited to, the following:

(a) Successful completion of a training program accredited by the department; and

(b) Receiving a passing score on a certification examination administered by the department; and

(c) Satisfaction of any other requirements for the appropriate discipline; and

(d) Submittal and approval of the appropriate application by the department for inspection, risk assessment or abatement activities in target housing and child-occupied facilities.

(13) "Certified firm" means a company, partnership, corporation, sole proprietorship, association, or other business entity that performs lead-based paint activities to which the department has issued a certificate under these rules.

(14) "Chewable surface" means an interior or exterior surface painted with lead-based paint that a young child can mouth or chew. A chewable surface is the same as an "accessible surface" as defined in 42 U.S.C. 4851b(2). Hard metal substrates and other materials that cannot be dented by the bite of a young child are not considered chewable.

(15) "Child-occupied facility" means a building, or a portion of a building, constructed prior to 1978, visited regularly by the same child, under the age of six, on at least two different days within any week (Sunday through Saturday period), provided that each day's visit lasts at least three hours

and the combined weekly visit lasts at least six hours, and the combined annual visits last at least sixty hours. Child-occupied facilities may include, but are not limited to, day care centers, preschools and kindergarten classrooms.

(16) "Clearance levels" are values that indicate the maximum amount of lead permitted in dust on a surface following completion of an abatement activity.

(17) "Clearance examination standards" means a maximum of 40 micrograms of lead in dust per square foot on floors, 250 micrograms of lead in dust per square foot on interior window sills, and 400 micrograms of lead in dust on window troughs.

(18) "Common area" means a portion of a building that is generally accessible to all occupants that may include, but that is not limited to, hallways, stairways, laundry and recreational rooms, playgrounds, community centers, garages, and boundary fences.

(19) "Common area group" means a group of common areas that are similar in design, construction, and function. Common area groups include, but are not limited to, hallways, stairwells, and laundry rooms.

(20) "Component or building component" means specific design or structural elements or fixtures of a building, residential dwelling, or child-occupied facility that are distinguished from each other by form, function, and location. These include, but are not limited to, interior components such as: Ceilings, crown molding, walls, chair rails, doors, door trim, floors, fireplaces, radiators and other heating units, shelves, shelf supports, stair treads, stair risers, stair stringers, newel posts, railing caps, balustrades, windows and trim (including sashes, window heads, jambs, sills or stools and troughs), built in cabinets, columns, beams, bathroom vanities, counter tops, and air conditioners; and exterior components such as: Painted roofing, chimneys, flashing, gutters and downspouts, ceilings, soffits, fascias, rake boards, cornerboards, bulkheads, doors and door trim, fences, floors, joists, lattice work, railings and railing caps, siding, handrails, stair risers and treads, stair stringers, columns, balustrades, window sills or stools and troughs, casings, sashes and wells, and air conditioners.

(21) "Concentration" means the relative content of a specific substance contained within a larger mass, such as the amount of lead (in micrograms per gram or parts per million by weight) in a sample of dust or soil.

(22) "Containment" means a process to protect workers and the environment by controlling exposures to the lead-contaminated dust and debris created during an abatement.

(23) "Course agenda" means an outline of the key topics to be covered during a training course, including the time allotted to teach each topic.

(24) "Course test" means an evaluation of the overall effectiveness of the training which shall test the trainees' knowledge and retention of the topics covered during the course.

(25) "Course completion date" means the final date of classroom instruction and/or student examination of an accredited lead-based paint training course.

(26) "Course completion certificate" means documentation issued by an accredited training provider to an individual

as proof of successful completion of a department-approved lead-based paint course or standard training course.

(27) "Course test blue print" means written documentation identifying the proportion of course test questions devoted to each major topic in the course curriculum.

(28) "Demonstration testing" means the observation and scoring of a student's job task and equipment use skills taught during an initial or refresher training course.

(29) "Department" means the Washington department of community, trade, and economic development.

(30) "Deteriorated paint" means any interior or exterior paint or other coating that is peeling, chipping, chalking or cracking, or any paint or coating located on an interior or exterior surface or fixture that is otherwise damaged or separated from the substrate.

(31) "Discipline" means one of the specific types or categories of lead-based paint activities identified in this subpart for which individuals may receive training from accredited programs and become certified by the department. For example, "abatement worker" is a discipline.

(32) "Distinct painting history" means the application history, as indicated by the visual appearance or a record of application, over time, of paint or other surface coatings to a component or room.

(33) "Documented methodologies" are written methods or protocols used to sample for the presence of lead in paint, dust, and soil as recommended in U.S. Department of Housing and Urban Development "*Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing*," revised, October, 1997; "*Agency Guidance on Residential Lead-Based Paint, Lead-Contaminated Dust, and Lead-Contaminated Soil*," September, 1995; and "*EPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling*," March 1995. These materials can be downloaded from the following website: [www.epa.gov/lead](http://www.epa.gov/lead) or [www.hud.gov/lead/offices](http://www.hud.gov/lead/offices).

(34) "Dripline" means the area within three feet surrounding the perimeter of a building.

(35) "Dust-lead hazard" means surface dust in a residential dwelling or child-occupied facility that contains a mass-per-area concentration of lead equal to or exceeding 40  $\mu\text{g}/\text{ft}^2$  on floors or 250  $\mu\text{g}/\text{ft}^2$  on interior window sills based on wipe samples.

(36) "Elevated blood lead level (EBL)" means an excessive absorption of lead that is a confirmed concentration of lead in whole blood of 20  $\mu\text{g}/\text{dl}$  (micrograms of lead per deciliter of whole blood) for a single venous test or of 15-19  $\mu\text{g}/\text{dl}$  in two consecutive tests taken three to four months apart.

(37) "Encapsulant" means a substance that forms a barrier between lead-based paint and the environment using a liquid applied coating (with or without reinforcement materials) or an adhesively bonded covering material.

(38) "Encapsulation" means the application of an encapsulant.

(39) "Enclosure" means the use of rigid, durable construction materials that are mechanically fastened to the substrate in order to act as a barrier between lead-based paint and the environment.

(40) "EPA" means the Environmental Protection Agency.

(41) "Firm" means a sole proprietorship, corporation, association, firm, partnership, or joint stock company legally registered with the Washington department of licensing to conduct business in the state of Washington.

(42) "Friction surface" means an interior or exterior surface that is subject to abrasion or friction, including, but not limited to, certain window, floor, and stair surfaces.

(43) "Guest instructor" means an individual designated by the training program manager or principal instructor to provide instruction specific to the lecture, hands-on activities, or work practice components of a course.

(44) "Hands-on training" means training during which students practice skills that they will be expected to perform at the worksite.

(45) "Hands-on skills assessment" means an evaluation which tests the trainees' ability to satisfactorily perform the work practices and procedures identified in WAC 365-230-200 as well as any other skill taught in a training course.

(46) "Hazardous waste" means any waste as defined in chapter 173-303 WAC.

(47) "Impact surface" means an interior or exterior surface that is subject to damage by repeated sudden force such as certain parts of door frames.

(48) "Initial training course" means a full, accredited lead-based paint training course required for certification. It is different than a refresher course.

(49) "Inspection" means a surface-by-surface investigation to determine the presence of lead-based paint and the provision of a report, in writing, explaining the results of the investigation.

(50) "Inspector" means an individual who is certified by the department to conduct in target housing and child-occupied facilities a surface-by-surface investigation to determine the presence of lead-based paint and the provision of a report, in writing; and conduct clearance procedures in accordance with WAC 365-230-200. An inspector may also collect dust and soil samples and perform clearance testing. An inspector may cite the applicable standard for the medium being sampled, but may not evaluate the results or assess risk.

(51) "Interactive/participatory teaching methods" mean instruction which consists of active participation of the students, such as brainstorming, hands-on training, demonstration and practice, small group problem solving, learning games, discussions, risk mapping, field visits, walk-throughs, problem posing, group work assignments, homework review sessions, question-and-answer periods, skits, or role-playing sessions. Lecture is not considered an interactive/participatory teaching method.

(52) "Interim controls" mean a set of measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards, including specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards or potential hazards, and the establishment and operation of management and resident education programs.

(53) "Interior window sill" means the portion of the horizontal window ledge that protrudes into the interior of the room.

(54) "Job tasks" mean the specific activities performed in the context of work.

(55) "Lead abatement professional" means an individual certified to conduct lead-based paint activities under WAC 365-230-200 as a worker, supervisor, project designer, inspector, or risk assessor.

(56) "Lead-based paint" means paint or other surface coatings that contain lead equal to or in excess of 1.0 milligram per square centimeter or 0.5 percent by weight.

(57) "Lead-based paint activities" mean, in the case of target housing and child-occupied facilities, inspection, risk assessment, and abatement, as defined in these rules.

(58) "Lead-based paint activities courses" mean training courses (worker, supervisor, inspector, risk assessor, project designer) provided by accredited training providers.

(59) "Lead-based paint hazard" means hazardous lead-based paint, dust-lead hazard or soil-lead hazard as identified in these rules.

(60) "Lead-hazard screen" is a limited risk assessment activity that involves limited paint and dust sampling as described in WAC 365-230-200.

(61) "Lead hazard standard" means the amount of lead the department considers to be a hazard in target housing or child-occupied facilities. The standards are: Greater than 40 micrograms of lead in dust per square foot on floors, or greater than 250 micrograms of lead in dust per square foot on interior window sills, or 250 parts per million of lead in bare soil in children's play areas, or 1,200 parts per million of lead on average in bare soil in the rest of the yard (not including play areas).

(62) "Licensed" means a person who has been certified by the department in one or more disciplines.

(63) "Living area" means any area of a residential dwelling used by one or more children under the age of six, including, but not limited to, living rooms, kitchen areas, dens, play rooms, and children's bedrooms.

(64) "Loading" means the quantity of specific substance present per unit of surface area, such as the amount of lead in micrograms contained in the dust collected from a certain surface area divided by the surface area in square feet or square meters.

(65) "Multifamily dwelling" means a structure that contains more than one separate residential dwelling unit, which is used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of one or more persons.

(66) "Multifamily housing" means a housing property consisting of more than four dwelling units.

(67) "Paint in poor condition" means more than ten square feet of deteriorated paint on exterior components with large surface areas; or more than two square feet of deteriorated paint on interior components with large surface areas (e.g., walls, ceilings, floors, doors); or more than ten percent of the total surface area of the component is deteriorated on interior or exterior components with small surface areas (window sills, baseboards, soffits, trim).

(68) "Paint-lead hazard" means any of the following:

(a) Any lead-based paint on a friction surface that is subject to abrasion and where the lead dust levels on the nearest horizontal surface underneath the friction surface (e.g., the window sill, or floor) are equal to or greater than the dust-lead hazard levels identified in these rules.

(b) Any damaged or otherwise deteriorated lead-based paint on an impact surface that is caused by impact from a related building component (such as a door knob that knocks into a wall or a door that knocks against its door frame).

(c) Any chewable lead-based painted surface on which there is evidence of teeth marks.

(d) Any other deteriorated lead-based paint in any residential building or child-occupied facility or on the exterior of any residential building or child-occupied facility.

(69) "Permanent" means having an expected design life of twenty years.

(70) "Permanently covered soil" means soil which has been separated from human contact by the placement of a barrier consisting of solid, relatively impermeable materials, such as pavement or concrete. Grass, mulch, and other landscaping materials are not considered permanent covering.

(71) "Person" means any natural or judicial person including any individual, corporation, partnership, or association; any Indian tribe, state, or political subdepartment thereof; any interstate body; and any department, agency, or instrumentality of the federal government.

(72) "Play area" means an area of frequent soil contact by children of less than six years of age as indicated by, but not limited to, such factors including the following: The presence of play equipment (e.g., sandboxes, swing sets, and sliding boards), toys, or other children's possessions, observations of play patterns, or information provided by parents, residents, care givers, or property owners.

(73) "Preliminary clearance" means clearance of interior living areas according to which an inspector or risk assessor determines that residual lead levels (as determined by laboratory analysis) do not exceed clearance levels.

(74) "Principal instructor" means the individual who has the primary responsibility for organizing and teaching a particular course.

(75) "Proficiency test" means any alternative to a conventional written examination that is used to measure a trainee's mastery of course content. An oral examination offered to a trainee with a manual disability is an example of a proficiency test.

(76) "Project designer" means an individual who is certified by the department to interpret lead inspection or risk assessment reports and to develop plans, specifications, and project procedures for lead abatement projects in target housing and child-occupied facilities, including occupant notification and protection, cleanup and clearance, and abatement reports.

(77) "Recognized laboratory" means an environmental laboratory recognized by EPA pursuant in accordance with the National Lead Laboratory Accreditation Program (NLLAP) as being capable of performing an analysis for lead compounds in paint, soil, and dust.

(78) "Refresher training course" means a minimum seven-hour training course (or four hours for project designer) accredited by the department to update an individual's knowledge and skills in the discipline in which training is offered.

(79) "Residential dwelling" means:

(a) A detached single-family dwelling unit, including attached structures such as porches and stoops; or

(b) A single-family dwelling unit in a structure that contains more than one separate residential dwelling unit, which is used or occupied, or intended to be occupied, in whole or in part, as the home or residence of one or more persons.

(80) "Risk assessment" means an on-site investigation to determine the existence, nature, severity, and location of lead-based paint hazards, and the provision of a report by the individual or the firm conducting the risk assessment, explaining the results of the investigation and options for reducing lead-based paint hazards.

(81) "Risk assessor" means an individual who is certified by the department to conduct in target housing and child-occupied facilities on-site investigation to determine the existence, nature, severity, and location of lead-based paint hazards, and to provide a report explaining the results of the investigation and options for reducing lead-based paint hazards; and who may conduct a lead-hazard screen, in accordance with WAC 365-230-200.

(82) "Room" means a separate part of the inside of a building, such as a bedroom, living room, dining room, kitchen, bathroom, laundry room, or utility room. To be considered a separate room, the room must be separated from adjoining rooms by built-in walls or archways that extend at least six inches from an intersecting wall. Half walls or bookcases count as room separators if built-in. Movable or collapsible partitions or partitions consisting solely of shelves or cabinets are not considered built-in walls. A screened-in porch that is used as a living area is a room.

(83) "Sample quality control" means a plan or design which ensures the authenticity, integrity, and accuracy of samples, including dust, soil, and paint chip or film samples. Sample quality control also includes provisions for representative sampling and control samples.

(84) "Scope of work" means a written description of all of the abatement activities to be conducted at a specific abatement project site.

(85) "Soil-lead hazard" means bare soil on residential real property or on the property of a child-occupied facility that contains total lead equal to or exceeding 400 parts per million (mg/g) in a play area or average of 1,200 parts per million of bare soil in the rest of the yard based on soil samples.

(86) "Soil sample" means a sample collected in a representative location using ASTM E1727, "*Standard Practice for Field Collection of Soil Samples for Lead Determination by Atomic Spectrometry Techniques*," or equivalent method. ASTM standards can be obtained from ASTM International, P.O. Box C700, West Conshohocken, PA 19428-2929, via phone at 610-832-9525, or electronically at [www.astm.org](http://www.astm.org).

(87) "Supervisor" means an individual who is certified by the department to either conduct or oversee and direct the work-site conduct of lead-based paint abatement and clearance activities in target housing and child-occupied facilities, and to prepare occupant protection plans and abatement reports in accordance with WAC 365-230-200.

(88) "Target housing" means any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any one or more children under the age of six resides or is expected to reside in such housing for the elderly or persons with disabilities) or any 0-bedroom dwelling.

(89) "These rules" means Washington Administrative Code (WAC) 365-230-010 through 365-230-270.

(90) "Train-the-trainer course" means a course that includes, but is not limited to, instruction in the planning and teaching of adult education, adult learning principles, designing training objectives, selecting and designing training activities, creating an effective learning environment, facilitating group involvement and discussions, and strategies for dealing with difficult training situations and difficult learners.

(91) "Training curriculum" means an established set of course topics for instruction in an accredited training program for a particular discipline designed to provide specialized knowledge and skills.

(92) "Training hour" means at least fifty minutes of actual learning, including, but not limited to, time devoted to lecture, learning activities, small group activities, demonstrations, evaluations, and/or hands-on experience.

(93) "Training manager" means the individual responsible for administering a training program and monitoring the performance of principal instructors and guest instructors.

(94) "Training provider" means any business entity accredited under WAC 365-230-035 and 365-230-040 that offers lead-based paint activities courses.

(95) "Weighted arithmetic mean" means the arithmetic mean of sample results weighted by the number of subsamples in each sample. Its purpose is to give influence to a sample relative to the surface area it represents. A single surface sample is comprised of a single subsample. A composite sample may contain from two to four subsamples of the same area as each other and of each single surface sample in the composite. The weighted arithmetic mean is obtained by summing, for all samples, the product of the sample's result multiplied by the number of subsamples in the sample, and dividing the sum by the total number of subsamples contained in all samples. For example the weighted arithmetic mean of a single surface sample containing 60  $\mu\text{g}/\text{ft}^2$ , a composite sample (three subsamples) containing 100  $\mu\text{g}/\text{ft}^2$ , and a composite sample (four subsamples) containing 110  $\mu\text{g}/\text{ft}^2$  is 100  $\mu\text{g}/\text{ft}^2$ . This result is based on the equation  $[60+(3*100)+(4*110)]/(1+3+4)$ .

(96) "Window trough" means for a typical double-hung window, the portion of the exterior window sill between the interior window sill (or stool) and the frame of the storm window. If there is no storm window, the window trough is the area that receives both the upper and lower window sashes when they are both lowered. The window trough is sometimes referred to as the window "well."

(97) "Wipe sample" means a sample collected by wiping a representative surface of known area, as determined by ASTM E1728, "*Standard Practice for Field Collection of Settled Dust Samples Using Wipe Sampling Methods for Lead Determination by Atomic Spectrometry Techniques*," or equivalent method, with an acceptable wipe material as defined in ASTM E 1792, "*Standard Specification for Wipe Sampling Materials for Lead in Surface Dust*." ASTM standards can be obtained from ASTM International, P.O. Box C700, West Conshohocken, PA 19428-2929, via phone at 610-832-9525, or electronically at [www.astm.org](http://www.astm.org).



(98) "Worker" means an individual who is certified by the department and licensed by the construction contractors' board to conduct lead-based paint abatement activities in target housing and child-occupied facilities in accordance with WAC 365-230-200.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

#### NEW SECTION

**WAC 365-230-030 Accreditation required.** (1) No person shall provide, offer, or claim to provide an accredited lead-based paint activities course unless the person has received accreditation from the department.

(2) Training courses may be accredited for the initial inspector, risk assessor, abatement worker, supervisor, and project designer training courses or for refresher training courses within the same disciplines.

(3) Only accredited training providers are eligible to offer initial and refresher training courses for lead-based paint discipline courses.

(4) To qualify for and maintain accreditation, a training provider shall:

(a) Propose and offer at least one accredited or accredited lead-based paint training course.

(b) Conform to personnel, operational and curriculum requirements.

(c) Comply with accreditation application and procedural requirements.

#### NEW SECTION

**WAC 365-230-035 Application process.** The following are procedures a training program must follow to receive accreditation by the department to offer lead-based paint training courses:

(1) Submission of a completed application for course accreditation or renewal. Information that must be provided with the application is as follows:

(a) Name, address, and phone number of training provider and training program manager.

(b) List of course(s) for which accreditation is being applied.

(c) A statement signed by the training program manager certifying that the training program meets the requirements under WAC 365-230-040.

(d) A copy of the entire course instruction curriculum, including, but not limited to: Learning objectives; documentation of course agenda with time allocation for each course topic; the sequence of topics to be covered during the course(s); student and instructor manuals, or other materials to be used for the course.

(e) Copy of the test blueprint describing the portion of test questions devoted to each major course topic.

(f) Description of the facilities and equipment to be used for lecture and hands-on training, respectively.

(g) Description of the activities and procedures that will be used for conducting the assessment of hands-on skills for each course.

(h) A copy of the quality control plan developed by the training manager. The plan shall be used to maintain and improve the training program and contain at least the following elements:

(i) Procedures for periodic revision of training materials and course test to be current with innovations in the field.

(ii) Procedures for the training manager's annual review of principal instructor competency.

(2) Documentation of accreditation by other state or federal agencies, if applicable.

(3) Submit a check or money order made out to the department of community, trade, and economic development in the amount as described in WAC 365-230-120.

#### NEW SECTION

**WAC 365-230-040 Requirements for the accreditation of training programs.** For a training program to obtain accreditation from department to offer lead-based paint activities courses, the program shall meet the following requirements:

(1) The training program shall employ a training manager who has:

(a) At least . . . . . years of experience, education, or training in teaching workers or adults; or

(b) A bachelor's or graduate degree in building construction technology, engineering, industrial hygiene, safety, public health, education, business administration or program management or a related field; or

(c) Two years of experience in managing a training program specializing in environmental hazards; and

(d) Demonstrated experience, education, or training in the construction industry including: Lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.

(2) The training manager shall designate a qualified principal instructor for each course who has:

(a) Demonstrated experience, education, or training in teaching workers or adults; and

(b) Successfully completed at least sixteen hours of any department-accredited, EPA-accredited or tribal-accredited lead-specific training; and

(c) Demonstrated experience, education, or training in lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.

(3) The principal instructor shall be responsible for the organization of the course and oversight of the teaching of all course material. The training manager may designate guest instructors as needed to provide instruction specific to the lecture, hands-on activities, or work practice components of a course.

(4) The following documents shall be recognized by the department as evidence that training managers and principal instructors have the education, work experience, training requirements or demonstrated experience, specifically listed in subsections (1), (2) and (3) of this section. This documen-

tation need not be submitted with the accreditation application, but, if not submitted, shall be retained by the training program as required by WAC 365-230-090. Those documents include the following:

(a) Official academic transcripts or diploma as evidence of meeting education requirements.

(b) Resumes, letters of reference, or documentation of work experience, as evidence of meeting the work experience requirements.

(c) Certificates from train-the-trainer courses and lead-specific training courses, as evidence of meeting the training requirements.

(5) The training program shall ensure the availability of, and provide adequate facilities for, the delivery of the lecture, course test, hands-on training, and assessment activities. This includes providing training equipment that reflects current work practices and maintaining or updating the equipment and facilities as needed.

(6) To become accredited in the following disciplines, the training program shall provide training courses that meet the following training hour requirements:

(a) The inspector course shall last a minimum of twenty-four training hours, with a minimum of eight hours devoted to hands-on training activities. The minimum curriculum requirements for the inspector course are contained in WAC 365-230-050.

(b) The risk assessor course shall last a minimum of sixteen training hours, with a minimum of four hours devoted to hands-on training activities. The minimum curriculum requirements for the risk assessor course are contained in WAC 365-230-050.

(c) The supervisor course shall last a minimum of thirty-two training hours, with a minimum of eight hours devoted to hands-on activities. The minimum curriculum requirements for the supervisor course are contained in WAC 365-230-050.

(d) The project designer course shall last a minimum of eight training hours. The minimum curriculum requirements for the project designer course are contained in WAC 365-230-050.

(e) The abatement worker course shall last a minimum of sixteen training hours, with a minimum of eight hours devoted to hands-on training activities. The minimum curriculum requirements for the abatement worker course are contained in WAC 365-230-050.

(7) If a training program uses EPA-developed model training materials, or training materials approved by a state or Indian tribe that has been authorized by EPA under 40 CFR 745.324 to develop its initial training course materials, the training manager shall include a statement certifying that, as well.

(8) If the initial training course materials are not based on EPA-developed model training materials or training materials approved by an authorized state or Indian tribe, the training program's application for accreditation shall include:

(a) A copy of the student and instructor manuals to be used for each course.

(b) A copy of the course agenda for each course.

(9) All initial training courses shall include in their application for accreditation the following:

(a) A description of the facilities and equipment to be used for lecture and hands-on training.

(b) A copy of the course test blueprint for each course.

(c) A description of the activities and procedures that will be used for conducting the assessment of hands-on skills for each course (if applicable).

(d) A copy of the quality control plan as described in WAC 365-230-040.

(10) If a training program meets the requirements listed in this section, then the department shall approve the application for accreditation no more than one hundred eighty days after receiving a complete application from the training provider. In the case of approval, a certificate of accreditation shall be sent to the applicant. In the case of disapproval, a letter describing the reasons for disapproval shall be sent to the applicant. Prior to disapproval, the department may, at its discretion, work with the applicant to address inadequacies in the application for accreditation. The department may also request additional materials retained by the training provider described under WAC 365-230-090. If an initial training program's application is disapproved, the program may reapply for accreditation at any time.

(11) For each course offered, the training program shall conduct either a course test at the completion of the course, and if applicable, a hands-on skills assessment, or in the alternative, a proficiency test for that discipline. Each individual must successfully complete the hands-on skills assessment and receive a passing score on the course test to pass any course, or successfully complete a proficiency test.

(a) The training manager is responsible for maintaining the validity and integrity of the hands-on skills assessment or proficiency test to ensure that it accurately evaluates the trainees' performance of the work practices and procedures associated with the course topics contained in WAC 365-230-050.

(b) The training manager is responsible for maintaining the validity and integrity of the course test to ensure that it accurately evaluates the trainees' knowledge and retention of the course topics.

(c) The course test shall be developed in accordance with the test blueprint submitted with the training accreditation application.

(12) The training program shall issue unique course completion certificates to each individual who passes the training course. The course completion certificate shall include:

(a) The name, a unique identification number, and address of the individual.

(b) The name of the particular course that the individual completed.

(c) Dates of course completion/test passage.

(d) The name, address, and telephone number of the training program.

(13) The training manager shall develop and implement a quality control plan. The plan shall be used to maintain and improve the quality of the training program over time. This plan shall contain at least the following elements:

(a) Procedures for periodic revision of training materials and the course test to reflect innovations in the field.

(b) Procedures for the training manager's annual review of principal instructor competency.

(14) The training program shall offer courses that teach the work practice standards for conducting lead-based paint activities contained in WAC 365-230-200, and other standards developed by EPA pursuant to Title IV of TSCA. These standards shall be taught in the appropriate courses to provide trainees with the knowledge needed to perform the lead-based paint activities they are responsible for conducting.

(15) The training manager shall be responsible for ensuring that the training program complies at all times with all of the requirements in this section.

(16) A course audit shall include, but not be limited to, a review of: Instructional curriculum; examination design, administration and security procedures, and results, including those of demonstration testing; classroom instruction; audio-visual materials; course content; coverage; and teaching facilities.

(17) An accredited training provider may not implement changes in method or content that affect one half-hour or more of contact instruction without ten business days advance notice of the changes to department.

#### NEW SECTION

**WAC 365-230-050 Minimum training curriculum requirements.** To become accredited to offer lead-based paint courses instruction in the specific disciplines listed below, training programs must ensure that their courses of study include, at a minimum, the following course topics. Requirements ending in an asterisk (\*) indicate areas that require hands-on activities as an integral component of the course.

(1) Inspector.

(a) Role and responsibilities of an inspector.

(b) Background information on lead and its adverse health effects.

(c) Background information on federal, state, and local regulations and guidance that pertains to lead-based paint and lead-based paint activities.

(d) Lead-based paint inspection methods, including selection of rooms and components for sampling or testing.\*

(e) Paint, dust, and soil sampling methodologies.\*

(f) Clearance standards and testing, including random sampling.\*

(g) Preparation of the final inspection report.\*

(h) Recordkeeping.

(2) Risk assessor.

(a) Role and responsibilities of a risk assessor.

(b) Collection of background information to perform a risk assessment.

(c) Sources of environmental lead contamination such as paint, surface dust and soil, water, air, packaging, and food.

(d) Visual inspection for the purposes of identifying potential sources of lead-based paint hazards.\*

(e) Lead hazard screen protocol.

(f) Sampling for other sources of lead exposure.\*

(g) Interpretation of lead-based paint and other lead sampling results, including all applicable state or federal guidance or regulations pertaining to lead-based paint hazards.\*

(h) Development of hazard control options, the role of interim controls, and operations and maintenance activities to reduce lead-based paint hazards.

(i) Preparation of a final risk assessment report.

(3) Supervisor.

(a) Role and responsibilities of a supervisor.

(b) Background information on lead and its adverse health effects.

(c) Background information on federal, state, and local regulations and guidance that pertain to lead-based paint abatement.

(d) Liability and insurance issues relating to lead-based paint abatement.

(e) Risk assessment and inspection report interpretation.\*

(f) Development and implementation of an occupant protection plan and abatement report.

(g) Lead-based paint hazard recognition and control.\*

(h) Lead-based paint abatement and lead-based paint hazard reduction methods, including restricted practices.\*

(i) Interior dust abatement/cleanup or lead-based paint hazard control and reduction methods.\*

(j) Soil and exterior dust abatement or lead-based paint hazard control and reduction methods.\*

(k) Clearance standards and testing.

(l) Cleanup and waste disposal.

(m) Recordkeeping.

(4) Project designer.

(a) Role and responsibilities of a project designer.

(b) Development and implementation of an occupant protection plan for large scale abatement projects.

(c) Lead-based paint abatement and lead-based paint hazard reduction methods, including restricted practices for large-scale abatement projects.

(d) Interior dust abatement/cleanup or lead hazard control and reduction methods for large-scale abatement projects.

(e) Clearance standards and testing for large scale abatement projects.

(f) Integration of lead-based paint abatement methods with modernization and rehabilitation projects for large scale abatement projects.

(5) Abatement worker.

(a) Role and responsibilities of an abatement worker.

(b) Background information on lead and its adverse health effects.

(c) Background information on federal, state and local regulations and guidance that pertain to lead-based paint abatement.

(d) Lead-based paint hazard recognition and control.\*

(e) Lead-based paint abatement and lead-based paint hazard reduction methods, including restricted practices.\*

(f) Interior dust abatement methods/cleanup or lead-based paint hazard reduction.\*

(g) Soil and exterior dust abatement methods or lead-based paint hazard reduction.\*

NEW SECTION

**WAC 365-230-060 Requirements for the accreditation of refresher training courses.** A training program may seek accreditation to offer refresher training courses in any of the following disciplines: Inspector, risk assessor, supervisor, project designer, and abatement worker. To obtain department accreditation to offer refresher training, a training program must meet the following minimum requirements:

(1) Each refresher course shall review the curriculum topics of the full-length courses listed under WAC 365-230-050, as appropriate. In addition, to become accredited to offer refresher training courses, training programs shall ensure that their courses of study include, at a minimum, the following:

(a) An overview of current safety practices relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline.

(b) Current laws and regulations relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline.

(c) Current technologies relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline.

(2) Each refresher course, except for the project designer course, shall last a minimum of eight training hours. The project designer refresher course shall last a minimum of four training hours.

(3) For each course offered, the training program shall conduct a hands-on assessment (if applicable), and at the completion of the course, a course test.

(4) A training program may apply for accreditation of a refresher course concurrently with its application for accreditation of the corresponding training course as described in WAC 365-230-035. If so, the department shall use the approval procedure described in WAC 365-230-035. In addition, the minimum requirements contained in WAC 365-230-040 (except for the training hour requirements of refresher training courses). For these purposes, the hourly training requirements of WAC 365-230-060 shall also apply.

(5) A training program seeking accreditation to offer refresher training courses only shall submit a written application to the department containing the following information:

(a) The refresher training program's name, address, and telephone number.

(b) A list of courses for which it is applying for accreditation.

(c) A statement signed by the training program manager certifying that the refresher training program meets the minimum requirements established in the WAC 365-230-040 except for the training hour requirements of refresher training courses. If a training program uses EPA-developed model training materials, or training materials approved by a state or Indian tribe that has been authorized by EPA under 40 CFR 745.324 to develop its refresher training course materials, the training manager shall include a statement certifying that, as well.

(d) If the refresher training course materials are not based on EPA-developed model training materials or training materials approved by an authorized state or Indian tribe, the training program's application for accreditation shall include:

(i) A copy of the student and instructor manuals to be used for each course.

(ii) A copy of the course agenda for each course.

(e) All refresher training programs shall include in their application for accreditation the following:

(i) A description of the facilities and equipment to be used for lecture and hands-on training.

(ii) A copy of the course test blueprint for each course.

(iii) A description of the activities and procedures that will be used for conducting the assessment of hands-on skills for each course (if applicable).

(iv) A copy of the quality control plan as described in WAC 365-230-040.

(f) The requirements of WAC 365-230-040 (1) through (5), and (7) through (12) apply to refresher training providers.

(g) If a refresher training program meets the requirements listed in this paragraph, then the department shall approve the application for accreditation no more than one hundred eighty days after receiving a complete application from the refresher training program. In the case of approval, a certificate of accreditation shall be sent to the applicant. In the case of disapproval, a letter describing the reasons for disapproval shall be sent to the applicant. Prior to disapproval, the department may, at its discretion, work with the applicant to address inadequacies in the application for accreditation. The department may also request additional materials retained by the refresher training program described under WAC 365-230-090. If a refresher training program's application is disapproved, the program may reapply for accreditation at any time.

NEW SECTION

**WAC 365-230-070 Reaccreditation of training programs.** (1) Unless reaccredited, a training program's accreditation for both initial and refresher training courses shall expire four years after the date of issuance of the course accreditation.

(2) A training provider seeking reaccreditation shall submit an application to the department no later than one hundred eighty days before its accreditation expires. If a training program does not submit its application by that date, the department cannot guarantee that the program will be reaccredited before the end of the accreditation period.

(3) The training program's application for reaccreditation shall contain:

(a) The training program's name, address, and telephone number.

(b) A list of courses for which it is applying for reaccreditation.

(c) A description of any changes to the training facility, equipment or course materials since its last application was approved that adversely affects the students' ability to learn or that affects more than thirty minutes of a training hour.

(d) A statement signed by the program manager stating:

(i) That the training program complies at all times with all the Requirements for the accreditation of training programs (WAC 365-230-040) and Requirements for the accreditation of refresher training programs (WAC 365-230-035), as applicable; and

(ii) The Training program recordkeeping (WAC 365-230-090) and Notification requirements (WAC 365-230-100) shall be followed.

#### NEW SECTION

**WAC 365-230-080 Approval/disapproval of application for accreditation or renewal of accreditation.** The department may disapprove an application for accreditation or renewal of an initial or refresher training course for any of the following reasons:

(1) Failure to complete application in accordance with these rules, or department policy or instructions.

(2) Failure to meet Training curriculum requirements (WAC 365-230-050) as set forth in these rules.

(3) Failure to meet Requirements for accreditation of training programs (WAC 365-230-040) as set forth in these rules.

(4) Failure to meet the Requirements for the accreditation of refresher training programs (WAC 365-230-060) as set forth in these rules.

(5) In the case of disapproval, a letter describing the reasons for disapproval shall be sent to the applicant. Prior to disapproval, the department may, at its discretion, work with the applicant to address inadequacies in the application for accreditation. The department may also request additional materials retained by the training provider described under the Training program recordkeeping requirements (WAC 365-230-090). If a training provider's application for accreditation of an initial or refresher training course is disapproved, the provider may reapply for accreditation at any time.

#### NEW SECTION

**WAC 365-230-090 Training program recordkeeping requirements.** (1) Accredited training programs shall maintain, and make available to the department if requested, the following records:

(a) All documents specified in the Requirements of the accreditation of training programs (WAC 365-230-040) as set forth in these rules that demonstrate the qualifications for training manager and principal instructors.

(b) Current curriculum, course materials and documents reflecting any changes made to these materials.

(c) The course test blueprint.

(d) Information regarding how the hands-on assessment is conducted including, but not limited to, who conducts the assessment, how skills are graded, what facilities are used, and the pass/fail rate.

(e) The quality control plan as described in the Requirements of the accreditation of training programs (WAC 365-230-040) as set forth in these rules.

(f) Results of student's hands-on skills assessments and course tests, and a copy of each student's course completion certificate.

(g) Any other material submitted as part of the program's application for accreditation.

(2) The training provider shall retain these records at the address specified on the training provider's accreditation application (or as modified as the result of notification of

change of address) shall be retained a minimum of three years and six months.

(3) A training provider shall notify the department in writing within thirty days of changing the address specified on its training program accreditation, or transferring the records from that address.

(4) Accreditation is transferable in the case of acquisition of the accredited training provider by another entity. The new entity must notify the department within thirty days of the change of ownership and any other changes to information included in the original application.

#### NEW SECTION

**WAC 365-230-100 Notification of lead-based paint training activity.** (1) The training manager shall provide notification of lead-based paint activities courses offered.

(a) The training manager shall provide the department with notice of all lead-based paint activities courses offered. The original notice must be received by the department at least ten business days prior to offering any lead-based paint activities course.

(b) The training manager shall provide the department updated notice when lead-based paint activities courses will begin on a date other than the one specified in the original notification, as follows:

(i) For lead-based paint activities courses beginning prior to the original start date an updated notice must be received by the department at least ten business days before the revised start date.

(ii) For lead-based paint activities courses beginning after the original start date an updated notice must be received by the department at least two business days before the original start date.

(c) The training manager shall update the department of any change in location of lead-based paint activities courses at least ten business days prior to the scheduled course start date.

(d) The training manager shall also update the department regarding any course cancellations, or any other change to the original notice. Updated notices must be received by the department at least two business days prior to the scheduled course start date.

(e) Each notice, including updates, shall include the following:

(i) Notification type (original, update, cancellation).

(ii) Training program name, department accreditation number, address, and phone number.

(iii) Course discipline, type (initial/refresher), and the language in which instruction will be given.

(iv) Date(s) and time(s) of training.

(v) Training location(s) phone number, and street address.

(vi) Principal instructor's name.

(vii) Training manager's name and signature.

(f) Notification shall be accomplished using any of the following methods: Written notice, or by e-mail. All notices submitted by e-mail must be followed with written notice within twenty-four hours of submission. Written notification of lead-based paint activities course schedules can be accom-

plished by using either the sample form titled "Lead-Based Paint Activities Training Course Schedule" or a similar form developed by the training program containing the required information. All written notices shall be delivered by U.S. Postal Service, fax, commercial delivery service, or hand delivery. (Persons submitting notification by U.S. Postal Service are reminded that they should allow three additional business days for delivery in order to ensure that the department receives the notification by the required date.) Instructions and sample forms can be obtained from the department at 360-725-2949, or on the internet at <http://www.cted.wa.gov>.

(g) Lead-based paint activities courses shall not begin on a date, or at a location other than that specified in the original notice unless an updated notice identifying a new date or location is submitted, in which case the course must begin on the date and location specified in the updated notice.

(h) No training program shall provide lead-based paint activities courses without first notifying the agency of such activities in accordance with the requirements of this paragraph.

(2) The training manager shall provide notification following completion of lead-based paint activities courses.

(a) The training manager shall provide the department with notice after the completion of any lead-based paint activities course that shall be received by the department no later than twenty business days following course completion.

(b) The notice shall include the following:

(i) Training program name, department accreditation number, address, and phone number.

(ii) Course discipline and type (initial/refresher).

(iii) Date(s) of training.

(iv) The following information for each student who took the course:

(A) Name.

(B) Address.

(C) Social Security number.

(D) Course completion certificate number.

(E) Student test score.

(v) Training manager's name and signature.

(c) Notification shall be accomplished using any of the following methods: Written notice, or by e-mail. All notices submitted by e-mail must be followed with written notice within twenty-four hours of submission. Written notification following lead-based paint activities training courses can be accomplished by using either the sample form titled "Lead-Based Paint Activities Training Course Follow-up" or a similar form developed by the training program containing the required information. All written notices shall be delivered by U.S. Postal Service, fax, commercial delivery service, or hand delivery. (Persons submitting notification by U.S. Postal Service are reminded that they should allow three additional business days for delivery in order to ensure that the department receives the notification by the required date.) Instructions and sample forms can be obtained from department at 360-725-2949, or on the internet at <http://www.cted.wa.gov>.

#### NEW SECTION

**WAC 365-230-110 Reciprocity.** The department will accept for purposes of certification, valid course completion certificates issued by an accredited training program duly accredited by either the Environmental Protection Agency (EPA) or an EPA state or tribal lead-based paint program authorized by EPA according to 40 CFR 745.324.

(1) The EPA state or tribal lead-based paint program shall accept, by written agreement, for purposes of certification the valid course completion certificates issued by a training program duly accredited according to these rules.

(2) The department may withdraw reciprocity from any accredited training program following a finding by the department, in its sole discretion, that the training program does not meet the standards of these rules.

#### NEW SECTION

**WAC 365-230-120 Accreditation fees.** The following fees are established for accreditation:

(1) A nonrefundable application fee of two hundred dollars for accreditation of an initial or refresher lead-based paint training course.

(2) A nonrefundable application fee of two hundred dollars for reaccreditation of an initial or a refresher lead-based paint training course.

(3) If an initial or refresher course provides instruction for more than one discipline, a separate application fee of two hundred dollars for each discipline is required.

(4) All fees shall be in the form of a check or money order made out to the department of community, trade, and economic development.

#### **CERTIFICATION OF INDIVIDUALS AND FIRMS ENGAGED IN LEAD-BASED PAINT ACTIVITIES: TARGET HOUSING AND CHILD-OCCUPIED FACILITIES**

#### NEW SECTION

**WAC 365-230-130 Certification of individuals.** (1) Individuals seeking certification by the department to engage in lead-based paint activities must either:

(a) Submit to the department an application demonstrating that they meet the requirements established in these rules for the inspector, risk assessor, supervisor, project designer or worker for the particular discipline for which certification is sought; or

(b) Submit to the department an application with a copy of a valid lead-based paint activities certification (or equivalent) from a state or tribal program that has been authorized by EPA pursuant to 40 CFR 745.324.

(2) Individuals may first apply to the department for certification to engage in lead-based paint activities pursuant to this section on or after the effective date of these rules.

(3) Following the submission of an application demonstrating that all the requirements of this section have been met, the department shall certify an applicant as an inspector, risk assessor, supervisor, project designer, or abatement worker, as appropriate.

(4) Upon receiving the department certification, individuals conducting lead-based paint activities shall comply with the work practice standards for performing the appropriate lead-based paint activities as established in the Work practice standards section (WAC 365-230-200).

(5) It shall be a violation of these rules for an individual to conduct any of the lead-based paint activities described in the Work practice standards section (WAC 365-230-200) has not been certified by the department within one hundred twenty days of the effective date of these rules.

#### NEW SECTION

**WAC 365-230-132 Inspector, risk assessor, or supervisor.** (1) To become certified by the department as an inspector, risk assessor, supervisor, pursuant to WAC 365-230-130, an individual must:

(a) Successfully complete an accredited course in the appropriate discipline and receive a course completion certificate from an accredited training program.

(b) Pass the certification exam in the appropriate discipline offered by the department; and

(c) Meet or exceed the following experience and/or education requirements:

(i) Inspectors. No additional experience and/or education requirements.

(ii) Risk assessors.

(A) Successful completion of an accredited training course for inspectors; and

(B) Bachelor's degree and one year of experience in a related field (e.g., lead, asbestos, environmental remediation work, or construction), or an associates degree and two years experience in a related field (e.g., lead, asbestos, environmental remediation work, or construction); or

(C) Certification as an industrial hygienist, an engineer, a registered architect, certified safety professional, registered sanitarian, or registered environmental specialist; or

(D) A high school diploma (or equivalent), and at least three years of experience in a related field (e.g., lead, asbestos, environmental remediation work or construction).

(iii) Supervisor:

(A) One year of experience as a certified lead-based paint abatement worker; or

(B) At least two years of experience in a related field (e.g., lead, asbestos, or environmental remediation work) or in the building trades.

(2) The following documents shall be recognized by the department as evidence of meeting the experience or education requirements described in this section of these rules:

(a) Official academic transcripts or diploma, as evidence of meeting the education requirements.

(b) Resumes, letters of reference, or documentation of work experience, as evidence of meeting the work experience requirements.

(c) Course completion certificates from lead-specific or other related training courses, issued by accredited training programs, as evidence of meeting the training requirements.

(3) In order to take the certification examination for a particular discipline an individual must:

(a) Successfully complete an accredited course in the appropriate discipline and receive a course completion certificate from an accredited training program.

(b) Meet or exceed the education and/or experience requirements described in this section.

(4) After successfully completing the appropriate training courses and application requirements and meeting any other qualifications as described in inspector, risk assessor and supervisor section of these rules, an individual shall be certified by the department.

(5) To maintain certification, an individual must be recertified as described in WAC 365-230-160.

(6) An individual may take the certification exam no more than three times within six months of receiving a course completion certificate.

(7) If an individual does not pass the certification exam and receive a certificate within six months of receiving his/her course completion certificate, the individual must successfully complete the appropriate lead-based paint course from an accredited training program before reapplying for certification from the department.

(8) A passing score on third-party, qualifying examination administered by the department is seventy or above.

#### NEW SECTION

**WAC 365-230-134 Abatement worker and project designers.** (1) To become certified by the department as an abatement worker or project designer, pursuant to the certification of individuals section of these rules, an individual must:

(a) Successfully complete an accredited course in the appropriate discipline and receive a course completion certificate from an accredited training program.

(b) Meet or exceed the following additional experience and/or education requirements:

(i) Abatement workers. No additional experience and/or education requirements.

(ii) Project designers.

(A) Successful completion of an accredited training course for supervisors; or

(B) Bachelor's degree in engineering, architecture, or a related profession, and one year of experience in building construction and design or a related field; or

(C) Four years of experience in building construction and design or a related field; or

(D) Pass the supervisor or project designer examination administered by the department.

(2) The following documents shall be recognized by the department as evidence of meeting the requirements listed in this paragraph:

(a) Official academic transcripts or diploma, as evidence of meeting the education requirements.

(b) Resumes, letters of reference, or documentation of work experience, as evidence of meeting the work experience requirements.

(c) Course completion certificates from lead-specific or other related training courses, issued by accredited training programs, as evidence of meeting the training requirements.

(3) After successfully completing the appropriate training courses and application requirements and meeting any other qualifications as described in abatement worker and project designer section of these rules, an individual shall be certified by the department.

(4) To maintain certification, an individual must be recertified as described in the recertification section of these rules.

(5) An individual may take the certification exam no more than three times within six months of receiving a course completion certificate.

(6) If an individual does not pass the certification exam and receive a certificate within six months of receiving his/her course completion certificate, the individual must successfully complete the appropriate lead-based paint course from an accredited training program before reapplying for certification from the department.

(7) Certification shall be nontransferable.

#### NEW SECTION

**WAC 365-230-140 Accreditation and certification based on prior licensing.** (1) All current and valid accreditations and certifications issued by the EPA for practice in the state of Washington shall be recognized by the department on the effective date of these rules and for a period not to exceed one hundred twenty days thereafter.

(2) Any accredited or certified person or entity may apply for accreditation or certification without fee on forms available from the department by submitting documentation of current and valid accreditation or certification issued by EPA, as described in subsection (1) of this section.

(3) Persons or entities with accreditations or certifications that expire within one hundred twenty days of the effective date of these rules, and who wish to apply on the basis of prior licensing, as provided for in this section of these rules, must have completed the application process by the expiration date.

(4) Applicants not holding a valid and current accreditation or certification issued by EPA for practice in the state of Washington must follow the application procedures described in WAC 365-230-150.

(5) Applicants for certification based on prior licensing must submit two, recent passport-size photographs with their application.

#### NEW SECTION

**WAC 365-230-150 Application requirements for an individual.** (1) Applications for an individual shall be submitted on forms prescribed by the department and shall be accompanied, as appropriate, by:

(a) Documentation of applicant's training, experience, and education including:

(i) Lead-based paint training course completion certificate issued by a department-accredited training provider.

(ii) Documentation of experience must include name and address of employer, name and telephone number of supervisor; or indicate if self-employed. Documentation must also include employment dates, description of specific duties performed, estimated percentage of time associated with con-

ducting inspections and assessing health, safety or environmental hazards. This documentation must be signed by supervisor or employer verifying that the information is true and correct. A self-employed individual must submit a notarized affidavit attesting to the work experience claimed for the purposes of application.

(iii) Evidence of completion of educational requirements under WAC 365-230-130, such as a transcript or diploma, if applicable.

(b) Two current, passport-size photos.

(c) Applicant's name, signature and date.

(2) A check or money order made out to the department of community, trade, and economic development in the amount as described in the certification fees section of these rules.

(3) Application materials can be obtained by mail from Department of Community, Trade, and Economic Development, Lead-Based Paint Program, P.O. Box 48350, Olympia, WA 98504-8350, or electronically at <http://www.cted.wa.gov>.

(4) The following documents shall be recognized by the department as evidence of meeting the application requirements listed in this section:

(a) Official academic transcripts or diploma, as evidence of meeting the education requirements.

(b) Resumes, letters of reference, or documentation of work experience, as evidence of meeting the work experience requirements.

(c) Course completion certificates from lead-specific or other related training courses, issued by accredited training programs, as evidence of meeting the training requirements.

(5) For the purposes of application, photocopies of original documents are acceptable.

#### NEW SECTION

**WAC 365-230-160 Recertification.** (1) To maintain certification in a particular discipline, a certified individual shall apply to and be recertified by the department in that discipline either:

(a) Every three years after the original date of issue if the individual completed a training course with a course test and hands-on assessment; or

(b) Every five years if the individual completed a training course with a proficiency test.

(2) An individual shall be recertified if the individual:

(a) Successfully completes the appropriate accredited refresher training course; and

(b) Submits a valid copy of the appropriate refresher course completion certificate; and

(c) Complies with the following application requirements established by the department:

(i) Submit a complete and signed application; and

(ii) Submit two recent passport-size photographs; and

(iii) Submit a check or money order made out to the department of community, trade, and economic development in the amount as described in WAC 365-230-260.

(3) Application materials can be obtained by mail from Department of Community, Trade, and Economic Development, Lead-Based Paint Program, P.O. Box 48350, Olympia,



WA 98504-8350, or electronically at <http://www.cted.wa.gov>.

(4) An individual whose certification expires may obtain certification by completing the requirements described in WAC 365-230-150 and 365-230-130.

#### NEW SECTION

**WAC 365-230-170 Certification of firms.** (1) All firms which perform or offer to perform any of the lead-based paint activities described in WAC 365-230-200 shall be certified by the department no later than one hundred twenty days after the effective date of these rules.

(2) A firm seeking certification shall submit to the department an application provided by the department and a letter attesting that the firm shall only employ appropriately certified employees to conduct lead-based paint activities, and that the firm and its employees shall follow the work practice standards set forth in WAC 365-230-200 for conducting lead-based paint activities.

(3) The application for a firm seeking certification shall include documentation that the firm is insured with a Pollution Occurrence Insurance policy that includes lead.

(a) The minimum policy amount shall be five hundred thousand dollars.

(b) A certified firm may not conduct lead-based paint activities, as described in WAC 365-230-200, if it does not have in force the minimum insurance coverage as described in this section.

(4) The application for a firm seeking certification shall include documentation that the firm is indemnified with a performance bond.

(a) The minimum amount of the bond shall be twenty thousand dollars.

(b) A certified firm may not conduct lead-based paint activities, as described in WAC 365-230-200, if it does not have in force the minimum bonding as described in this section.

(5) From the date of receiving the firm's letter requesting certification, the department shall have ninety days to approve or disapprove the firm's request for certification. Within that time, the department shall respond either by certifying the firm or by issuing a letter describing the reasons for disapproval.

(6) The firm shall maintain all records pursuant to WAC 365-230-200.

(7) A firm or public agency that contracts with a certified firm or public agency to provide lead-based paint activities on its behalf need not be certified.

(a) The contracting firm or public agency shall submit to the department a letter of compliance stating the following:

(i) The firm or agency will use only certified firms and certified individuals of the appropriate discipline to conduct lead-based paint activities as described in these rules; and

(ii) The firm, or agency will ensure that the standards for conducting lead-based paint activities as prescribed in these rules will be followed; and

(iii) The firm or agency will maintain records of all such activities per WAC 365-230-200(8).

(iv) The letter of compliance will be signed by an individual authorized to sign on the firm or the agency's behalf.

(b) The contracting firm shall submit to the department, upon request, a copy of the contract agreement between the contracting firm and the certified firm or firms.

(8) Certification is transferable in the instance of acquisition of a certified firm by another entity. The acquiring firm must notify the department within thirty days of the change of ownership of any changes to information submitted on the original application.

#### NEW SECTION

**WAC 365-230-180 Application requirements for a firm.** (1) Applications for a firm shall be submitted on forms prescribed by the department and shall be accompanied, by the following:

A letter of compliance, signed by an officer of the firm, or an individual authorized to sign on the firm's behalf, certifying the following:

(a) The firm will employ only certified employees of the appropriate discipline to conduct lead-based paint activities as prescribed in these rules.

(b) The firm will follow the standards for conducting lead-based paint activities as prescribed in these rules.

(c) The firm shall maintain all records pursuant to these rules.

(2) A check or money order made out to the department of community, trade, and economic development in the amount as described in WAC 365-230-260.

#### NEW SECTION

**WAC 365-230-190 Approval or disapproval of certification.** (1) The department may disapprove an application for certification for the following reasons, including, but not limited to:

(a) Failure to complete application in accordance with these rules, or department policy or instructions;

(b) Failure to satisfy eligibility requirements for certification;

(c) Failure to satisfy training requirements;

(d) Failure to provide required documentation or information requested by the department;

(e) History of citations or violations of existing regulations or these rules, regulations including execution of a consent agreement in settlement of an enforcement action;

(f) History of revocation of a certificate;

(g) Making false or misleading statements in the application;

(h) Permitting the duplication or use of the individual's own certificate by another;

(i) Having been subject to a final administrative order imposing a civil penalty or a criminal conviction for engaging in a prohibited act under department.

(2) In the case of disapproval, a letter describing the reasons for disapproval shall be sent to the applicant. Prior to disapproval, the department may, at its discretion, work with the applicant to address inadequacies in the application for certification. The department may also request additional materials under the recordkeeping requirements of WAC

365-230-200(8). If an individual or firm's application for certification has been disapproved, the program may reapply for certification at any time.

### NEW SECTION

#### **WAC 365-230-200 Work practice standards. (1)**

When performing any lead-based paint activity described by a certified and licensed individual as an inspection, lead hazard screen, risk assessment or abatement, a certified and licensed person must perform that activity in compliance with these rules, documented methodologies, procedures and work practice standards.

(2) Inspection. An inspection shall be conducted only by a person certified by the department as an inspector or risk assessor.

(a) Locations shall be selected according to documented methodologies and tested for the presence of lead as follows:

(i) In target housing and child-occupied facilities, each component with a distinct painting history shall be tested, except those components determined to have been replaced after 1978 or to not contain lead-based paint; and

(ii) In a multifamily dwelling or child-occupied facility, each component with a distinct painting history in every common area shall be tested, except those components determined to have been replaced after 1978 or to not contain lead-based paint.

(b) Paint shall be tested for the presence of lead using documented methodologies which incorporate sampling quality control procedures and all paint chip, dust, and soil samples shall be analyzed for detectable levels of lead by a laboratory accredited under the National Lead Laboratory Accreditation Program (NLLAP).

(c) Inspection reports shall be prepared and include at least:

- (i) Inspection date;
- (ii) Building address;
- (iii) Date of construction;
- (iv) Apartment identification (numbers, letters, names if applicable);
- (v) Name, address and telephone number of owner or owners of each unit;
- (vi) Name, signature, and certification number of each inspector and/or risk assessor conducting testing;
- (vii) Name, address and telephone number of the certified firm employing each inspector and/or risk assessor;
- (viii) Each testing method and device and/or sampling procedure employed for paint analysis, including sample quality control data, and if used, the serial number of any X-ray fluorescence (XRF) device; and
- (ix) Specific locations of each painted component tested and the results of the inspection expressed in appropriate units for the sampling method used.

(3) Lead hazard screen. A lead hazard screen shall be conducted only by a person certified by the department as a risk assessor and shall be conducted as follows:

(a) Background information shall be collected about the physical characteristics of the target housing or child-occupied facility and occupant use patterns that may cause lead-

based paint exposure to one or more children age six years and under shall be collected.

(b) A visual inspection shall be conducted to determine the presence of any deteriorated paint and locate at least two dust sampling locations.

(c) If deteriorated paint is present, each deteriorated paint surface determined, using documented methodologies, to be in poor condition and to have a distinct painting history shall be tested for the presence of lead.

(d) In residential dwellings, two composite dust samples shall be collected, one from the floors and the other from the windows, in rooms, hallways or stairwells where one or more children age six or under are likely to come in contact with dust.

(e) In multifamily dwellings and child-occupied facilities, floor and window composite dust sampling shall be conducted as specified for conducting lead hazard screens in residential dwellings in the Work Practice Standard section of these rules. In addition, composite dust samples shall be collected in common areas where one or more children age six or under are likely to come in contact with dust.

(f) All dust samples shall be collected using documented methodologies that incorporate sample quality control procedures and analyzed by a laboratory accredited under the National Lead Laboratory Accreditation Program (NLLAP) to determine detectable lead.

(g) A lead hazard screen report shall be prepared by the risk assessor and include:

(i) Information in a risk assessment report as specified in subsection (4) including (i)(i) through (xiv) and excluding (i)(xv) through (xviii). Additionally, any background information collected pursuant to the lead hazard screen shall be included.

(ii) Any recommendations for follow-up risk assessment and other further actions.

(4) Risk assessment. A risk assessment of target housing or child-occupied facility shall be conducted only by a person certified by the department. A risk assessment shall be conducted as follows:

(a) A visual inspection shall be conducted to locate the existence of deteriorated paint, assess the extent and cause of deterioration, and other potential lead-based hazards.

(b) Background information shall be collected regarding the physical characteristics and occupant use patterns that may cause lead-based paint exposure to one or more children age six years and under.

(c) The following surfaces which are determined, using documented methodologies, to have a distinct painting history, shall be tested for the presence of lead:

(i) Each friction surface or impact surface with visibly deteriorated paint.

(ii) All other surfaces with visibly deteriorated paint.

(d) In residential dwellings, dust samples (either composite or single-surface samples) from the interior window sill(s) and floor shall be collected and analyzed for lead concentration in all living areas where one or more children, age six and under, are most likely to come in contact with dust.

(e) For multifamily dwellings and child-occupied facilities, the samples required in "residential dwellings" as described in subsection (4) of this section shall be taken. In

addition, interior window sill and floor dust samples (either composite or single-surface samples) shall be collected and analyzed for lead concentration in the following locations:

(i) Common areas adjacent to sampled target house or child-occupied facility; and

(ii) Other common areas in the building where the risk assessor determines that one or more children, age six and under, are likely to come in contact with dust.

(f) For child-occupied facilities, interior window sill and floor dust samples (either composite or single-surface samples) shall be collected and analyzed in each room, hallway or stairwell utilized by one or more children, age six and under, and in other common areas in the child-occupied facility where the risk assessor determines one or more children, age six and under, are likely to come in contact with dust.

(g) Soil samples shall be collected and analyzed for lead concentrations from the following locations:

(i) Exterior play areas where bare soil is present; and

(ii) The rest of the yard (i.e., nonplay areas) where bare soil is present.

(h) Any paint, dust or soil sampling or testing shall be conducted using documented methodologies that incorporate sample quality control procedures and analyzed by a laboratory accredited under the National Lead Laboratory Accreditation Program (NLLAP) to determine detectable lead.

(i) The certified risk assessor shall prepare a risk assessment report which shall include as a minimum the following information:

(i) Assessment date.

(ii) Address of each building.

(iii) Date of construction of buildings.

(iv) Apartment identification (numbers, letters, names if applicable).

(v) Name, address and telephone number of each owner of each building.

(vi) Name, signature, and certification number of each risk assessor conducting the assessment.

(vii) Name, address and telephone number of the certified firm employing each risk assessor.

(viii) Name, address and telephone number of each laboratory conducting analysis of collected samples.

(ix) Results of the visual inspection.

(x) Testing method and sampling procedure employed for paint analysis.

(xi) Specific locations of each painted component tested for the presence of lead.

(xii) All data collected from on-site testing, including quality control data, and if used, the serial number of any X-ray fluorescence (XRF) device.

(xiii) All results of laboratory analysis on collected paint, soil, and dust samples.

(xiv) Any other sampling results.

(xv) Any background information collected pursuant to subsection background information portion of the risk assessment work practice standard of this section.

(xvi) To the extent used as part of the lead-based paint hazard determination, the results of any previous inspections or analyses for the presence of lead-based paint, or other assessments of lead-based paint related hazards.

(xvii) A description of the location, type, and severity of identified lead-based paint hazards and any other potential lead hazards.

(xviii) A description of interim controls and/or abatement options for each identified lead-based paint hazard and a recommended prioritization for addressing each hazard. If the use of an encapsulant or enclosure is recommended, the report shall recommend a maintenance and monitoring schedule for the encapsulant or enclosure.

(5) Abatement. An abatement shall be conducted only by a person certified by the department. Abatement shall be conducted as follows:

(a) A certified and licensed supervisor or project designer is required for each abatement project and shall be on-site during all worksite preparation and during postabatement cleanup of work areas. At all other times, the certified supervisor or project designer shall be on-site or available by telephone, pager, or answering service, and be able to be present at the worksite in no more than two hours.

(b) A certified and licensed project designer is required for each abatement project that:

(i) Consists of ten or more target housing units built prior to 1960; or

(ii) Consists of twenty or more target housing units built during or after 1960; or

(iii) Consists of twenty-five thousand square feet or more of target housing.

(c) The certified and licensed supervisor or project designer, as well as the certified and licensed firm employing that supervisor shall ensure that all abatement activities are conducted according to the requirements of these rules and all federal, state and local requirements.

(d) A certified and licensed project designer may replace and assume the responsibilities of a certified and licensed supervisor required for an abatement project. If a certified and licensed project designer provides supervision on an abatement project, the project designer shall be responsible for preparing the occupant protection plan and the abatement report.

(e) A written occupant protection plan shall be developed prior to all abatement projects, be prepared by a certified and licensed supervisor or project designer, be unique to each target housing or child-occupied facility, describe the measures and management procedures that will be taken during the abatement to protect the building occupants from exposure to any lead-based paint hazards. The written occupant protection plan shall be present at the project site and must be made available on demand for inspection.

(f) A scope of work for the abatement project shall be present at the project site and must be made available on demand for inspection.

(g) These work practices shall be restricted during abatement and paint removal:

(i) Open-flame burning or torching of lead-based paint is prohibited;

(ii) Uncontained hydro blasting or high-pressure washing of lead-based paint is prohibited;

(iii) Machine sanding or grinding or abrasive blasting or sandblasting of lead-based paint is prohibited unless used with high efficiency particulate air (HEPA) exhaust control

which removes particles of 0.3 microns or larger from the air at 99.97 percent or greater efficiency;

(iv) Dry scraping of lead-based paint is permitted only in conjunction with heat guns or around electrical outlets or when treating defective paint spots totaling no more than two square feet in any room, hallway or stairwell or totaling no more than twenty square feet on exterior surfaces; and

(v) Operating a heat gun on lead-based paint is permitted only at temperatures below 1100°F.

(h) When soil abatement is conducted, if the soil is removed:

(i) The soil shall be replaced by soil with a lead concentration as close to local background as practicable, but no greater than 250 ppm.

(ii) The soil that is removed shall not be used as top soil at another residential property or child-occupied facility.

(iii) If the soil is not removed, the soil shall be permanently covered as defined in these rules.

(i) The following clearance procedures shall be performed only by a certified and licensed inspector or risk assessor and according to the following procedures:

(i) A visual inspection shall be performed to determine if deteriorated painted surfaces and/or visible amounts of dust, debris or residue are still present. If deteriorated painted surfaces or visible amounts of dust, debris or residue are present, these conditions must be eliminated prior to the continuation of the clearance procedures.

(ii) If exterior work on a project cannot be completed due to inclement weather or other factors, the project supervisor or designer may apply in writing to the department for authorization of a preliminary clearance.

(A) The application must include the following:

- The project address.
- The name and certification number of the abatement project supervisor or project designer.
- A description of the conditions that justify issuance of a waiver.
- A description of the abatement work that remains to be done on the project.
- A schedule for completion of the abatement work that remains to be done.
- A plan for monitoring and controlling potential lead-based paint contamination until work can be completed.

(B) At the conclusion of all work on a project for which preliminary clearance has been authorized, the project supervisor or designer shall present the department with documentation that clearance testing has been performed on exterior and interior areas according to these rules and that all clearance test results are below clearance levels.

(iii) Following the visual inspection and any postabatement cleanup required in subsection (5)(i) of this section, clearance sampling for lead in dust shall be conducted. Clearance sampling may be conducted by employing single-surface sampling or composite sampling techniques.

(iv) Dust samples for clearance purposes shall be taken using documented methodologies that incorporate sample quality control procedures and shall be taken a minimum of one hour after completion of final cleanup activities.

(v) Postabatement clearance activities shall be conducted based upon the extent or manner of work activities conducted

in or on the target housing or child-occupied facility as follows:

(j) After conducting an abatement with containment between containment and noncontainment areas, one dust sample shall be taken from one interior window sill and from one window trough (if present) and one dust sample shall be taken from the floors of no less than four rooms, hallways or stairwells within the containment area. In addition, one dust sample shall be taken from the floor outside the containment area. If there are fewer than four rooms, hallways or stairwells within the containment area, then all rooms, hallways or stairwells shall be sampled.

(i) After conducting an abatement with no containment, two dust samples shall be taken from no fewer than four rooms, hallways or stairwells in the residential dwelling or child-occupied facility. One dust sample shall be taken from one interior window sill and from one window trough (if present) and one dust sample shall be taken from the floor of each room, hallway or stairwell selected. If there are fewer than four rooms, hallways or stairwells within the target housing or child-occupied facility then all rooms, hallways or stairwells shall be sampled.

(ii) Following exterior paint abatement, a visual inspection shall be conducted. All horizontal surfaces in the outdoor living area closest to the abated surfaces shall be found to be cleaned of visible dust and debris. The surfaces shall be recleaned when visible dust and debris is present. The visual inspection shall be conducted to determine the presence of paint chips on the dripline or next to the foundation below any exterior abated surface. Paint chips, if present, shall be removed from the site and disposed of according to federal, state and local requirements.

(iii) The rooms, hallways or stairwells selected for sampling shall be selected according to documented methodologies.

(iv) The certified and licensed inspector or risk assessor shall compare residual lead levels (as determined by laboratory analysis) from each single surface dust sample with clearance examination standards as defined in these rules for lead in dust on floors and interior window sills, and window troughs, divided by half the number of subsamples in the composite sample. If the residual lead level in a single surface dust sample equals or exceeds the applicable clearance examination refresher or if the residual lead level in a composite dust sample equals or exceeds the applicable clearance examination refresher divided by half the number of subsamples in the composite sample, the components represented by the failed sample shall be recleaned and retested until clearance examination standards are met.

(k) In a multifamily dwelling with similarly constructed and maintained residential dwellings, random sampling for the purposes of clearance may be conducted provided:

(i) The certified individuals who work on or clean the residential dwellings do not know which residential dwelling will be selected for the random sample.

(ii) The randomly selected residential dwellings shall be sampled and evaluated for clearance according to subsection (5)(i) of this section.

(iii) A sufficient number of residential dwellings are selected for dust sampling to provide a ninety-five percent

level of confidence that no more than five percent or fifty of the residential dwellings (whichever is smaller) in the randomly sampled population exceeds the appropriate clearance examination standards.

(l) An abatement report shall be prepared by a certified and licensed supervisor or project designer and shall include as a minimum the following information:

(i) Start and completion dates of abatement.

(ii) The name, address and telephone number of each certified firm conducting the abatement and the name of each supervisor or project designer assigned to the abatement project.

(iii) The occupant protection plan.

(iv) The name, address and signature of each certified and licensed inspector or risk assessor conducting clearance sampling and the date(s) that clearance sampling was performed.

(v) The results of clearance sampling and all soil analyses and the name of each laboratory conducting analysis of collected samples.

(vi) A detailed written description of the abatement, including abatement methods, location of rooms and/or components where abatement occurred, reason for selecting particular abatement methods for each component, and any suggested monitoring of encapsulants or enclosures.

(m) A clearance report shall be prepared by a certified inspector or risk assessor. The clearance report shall include the following information:

(i) The property address where the clearance sampling occurred.

(ii) The abatement cleanup completion date and time.

(iii) The date and time of clearance sampling.

(iv) Name and certification number of each inspector or risk assessor conducting the clearance.

(v) The signature of the inspector or risk assessor conducting the clearance.

(vi) Name, address, telephone number, and certification number of the certified firm employing the inspector or risk assessor.

(vii) Results of the visual inspection.

(viii) Identification of containment or noncontainment applications.

(ix) Identification of location(s) where clearance samples were collected.

(x) Name, address, and telephone number of the laboratory analyzing the collected samples.

(xi) All results of laboratory analysis on collected samples, including quality control results.

(xii) Documented methodology used for sampling.

(6) Sampling. Any paint chip, dust, or soil samples collected pursuant to this section shall be collected by a certified and licensed inspector or risk assessor. Such samples shall be analyzed by a laboratory accredited under the National Lead Laboratory Accreditation Program (NLLAP).

(7) Composite sample. Composite dust sampling may only be conducted when conducting a lead hazard screen, risk assessment, or postabatement activities. If conducted, the composite dust samples shall consist of at least two subsamples, every component that is being tested shall be included in

the sampling, and shall not consist of subsamples from more than one type of component.

(8) Reports or plans. All lead-based paint activity reports or plans shall be maintained by the certified firms or individual who prepared the report for no fewer than three years and six months. All reports required by these rules may be submitted on a "Lead Hazard Evaluation Report" form available from the department. The exhibit referred to in this rule is not printed in this WAC. Copies are available as follows from department of community, trade, and economic development:

Lead-Based Paint Program, 906 Columbia Street S.W.;  
Mail Stop: 48350, Olympia, WA 98504-8350

Telephone number: 360-725-2949

Fax number: 360-586-5880

Website: [www.cted.wa.gov](http://www.cted.wa.gov).

#### NEW SECTION

**WAC 365-230-210 Determinations of lead-based paint and lead-based paint hazards.** (1) Lead-based paint is present:

(a) On any surface that is tested and found to contain lead equal to or in excess of 1.0 milligrams per square centimeter or equal to or in excess of 0.5% by weight; and

(b) On any surface similar to a surface tested in the same room equivalent that has a similar painting history and is found to be lead-based paint.

(2) A paint-lead hazard is present:

(a) On any friction surface that is subject to abrasion and where the lead dust levels on the nearest horizontal surface (e.g., the window sill or floor) are equal to or greater than the dust hazard levels identified in the "clearance examination standards" definition of these rules;

(b) On any chewable lead-based paint surface on which there is evidence of teeth marks;

(c) Where there is any damaged or otherwise deteriorated lead-based paint on an impact surface that is caused by impact from a related building component (such as a door knob that knocks into a wall or a door that knocks against a door frame); and

(d) If there is any other deteriorated lead-based paint in any residential building or child-occupied facility or on the exterior of any residential building or child-occupied facility.

(3) A dust lead-hazard is present in a residential dwelling or child-occupied facility:

(a) In a residential dwelling on floors and interior window sills when the weighted arithmetic mean lead loading for all single surface or composite samples of floors and interior window sills is equal to or greater than 40  $\mu\text{g}/\text{ft}^2$  for floors and 250  $\mu\text{g}/\text{ft}^2$  for interior window sills, respectively;

(b) On floors or interior window sills in an unsampled residential dwelling in a multifamily dwelling, if a dust-lead hazard is present on floors or interior window sills, respectively, in at least one sampled residential unit on the property; and

(c) On floors or interior window sills in an unsampled common area in a multifamily dwelling, if a dust-lead hazard is present on floors or interior window sills, respectively in at

least one sampled common area in the same common area group on the property.

(4) A soil-lead hazard is present in a residential dwelling or child-occupied facility:

(a) In a play area when the soil-lead concentration from a composite play area sample of bare soil is equal to or greater than 250 parts per million; or

(b) In the rest of the yard when the arithmetic mean lead concentration from a composite sample (or arithmetic mean of composite samples) of bare soil from the rest of the yard (i.e., nonplay areas) for each residential building on a property is equal to or greater than 1,200 parts per million.

#### NEW SECTION

**WAC 365-230-220 Notice of abatement.** A certified firm shall notify the department of lead-based paint abatement activities as follows:

(1) Except as provided in subsection (2) of this section, the department must be notified prior to conducting lead-based paint abatement activities. The original notice must be received by the department at least ten business days before lead-based paint abatement activities begin.

(2) Notice for abatement activities required in response to an elevated blood lead level (EBL) determination, or federal, state, tribal, or local emergency abatement order must be received by the department as early as possible before, but not later than the day lead-based paint abatement activities begin. Documentation showing evidence of an EBL determination or a copy of the federal/state/tribal/local emergency abatement order must be included in the notification to take advantage of this abbreviated notification period.

(3) Updated notice of a new start date must be provided to the department for lead-based paint abatement activities that will begin on a date other than the date specified in the original notification notice, as follows:

(a) For lead-based paint abatement activities beginning prior to the original start date, an updated notice must be received by the department at least ten business days before the revised start date.

(b) For lead-based paint abatement activities beginning after the original start date, an updated notice must be received by the department at least two business days before the original start date.

(4) The certified firm shall update the department of any change in location of lead-based paint abatement activities at least ten business days prior to the project start date.

(5) The certified firm shall also update the department regarding the cancellation of any lead-based paint abatement activities, or other significant changes including, but not limited to, when the square footage or acreage to be abated changes by at least twenty percent. This updated notice must be received by the department at least two business days prior to the project start date.

(6) The following shall be included in each notice:

(a) Notification type (original, updated, cancellation).

(b) Date when lead-based paint abatement activities will commence.

(c) Date when lead-based paint abatement activities will end (approximation using best professional judgment).

(d) Firm's name, the department certification number, address, phone number.

(e) Type of building (e.g., single-family dwelling, multi-family dwelling, child-occupied facilities) on/in which abatement work will be performed.

(f) Property name (if applicable).

(g) Property address including apartment or unit number (if applicable) for abatement work.

(h) Documentation showing evidence of an EBL determination or a copy of the federal/state/tribal/local emergency abatement order, if applicable.

(i) Name, department certification number, and signature of the certified supervisor or project designer.

(j) Approximate square footage/acreage to be abated.

(k) Brief description of abatement activities to be performed.

(7) Notification shall be accomplished using any of the following methods: Written notice, or by e-mail. All notices submitted by e-mail must be followed by written notice within twenty-four hours of submission. Written notification can be accomplished using either the sample form titled "Notice of Abatement" or similar form. All written notices shall be delivered by U.S. Postal Service, fax, commercial delivery service, or hand delivery. (Persons submitting notification by U.S. Postal Service are reminded that they should allow three additional business days for delivery in order to ensure that the department receives the notification by the required date.) Instructions and sample forms can be obtained from the department via phone 360-725-2941 or fax 360-588-5966, or on the internet at <http://www.cted.gov/housing/XXX>.

(8) Lead-based paint abatement activities shall not begin on a date, or at a location other than that specified in either an original, or updated notice, in the event of changes to the original notice.

(9) No firm or individual shall engage in lead-based paint abatement activities, as defined in WAC 365-230-200 prior to notifying the department of such activities according to requirements of this section.

#### NEW SECTION

**WAC 365-230-230 Inspections.** (1) The director or the director's designee is authorized to inspect, without cost, and at reasonable times and, when feasible, with at least twenty-four hours prior notification:

(a) Premises or facilities where those engaged in training for lead-based paint activities conduct business; and

(b) The business records of, and take samples at, the businesses accredited or certified under this chapter to conduct lead-based paint training or activities.

Any accredited training program or any firm or individual certified under this chapter that denies access to the department for the purposes of this subsection is subject to deaccreditation or decertification.

(2) The director or the director's designee is authorized to inspect premises or facilities, with the consent of the owner or owner's agent, where violations may occur concerning lead-based paint activities, as defined under WAC 365-230-

020, at reasonable times and, when feasible, with at least forty-eight hours prior notification of the inspection.

(3) Prior to receipt of federal lead-based paint abatement funding, all premises or facility owners shall be notified by any entity that receives and disburses the federal funds that an inspection may be conducted. If a premises or facility owner does not wish to have an inspection conducted, that owner is not eligible to receive lead-based paint abatement funding.

#### NEW SECTION

**WAC 365-230-240 Suspension, revocation and modification of accredited training course or lead-based paint certification.** (1) The department may suspend, revoke or modify accreditation of a training course, or the lead-based paint certification of an individual or firm, and may assess a civil penalty, if the individual, entity, or responsible party under these rules has:

(a) Failed to comply with a requirement of chapter 70.103 RCW or the rules adopted thereunder; or

(b) Obtained or retained accreditation or certification by error, misrepresentation, or fraud.

(2) The department may assess a civil penalty against any person who engages in lead-based paint activity without certification from the department or who offers to provide or provides lead-based paint training courses without accreditation from the department.

(3) Prior to denying, suspending, revoking, or modifying an accreditation or certification, or imposing a civil penalty, the department in writing shall notify the affected entity of:

(a) The factual and legal basis for the alleged violation;

(b) The penalty assessed for the alleged violation;

(c) The date on which the penalties take effect; and

(d) The opportunity to contest the action by requesting an adjudicative proceeding within twenty days of notice of the action.

(4) Whenever an affected entity does not timely request an adjudication proceeding to contest the department's action, the action becomes final and binding on the day specified in the notification of action. Except as provided in subsection (3) of this section, the filing of a timely request for an adjudicative proceeding stays any action against the affected entity until completion of the adjudicative proceeding.

(5) Whenever the department determines that the public health, safety, or welfare warrants immediate action, the department may summarily suspend accreditation or certification prior to the opportunity for an adjudicative proceeding, as provided in RCW 34.05.479.

(6) Any request for adjudicative proceeding shall be conducted by the department under chapters 34.05 RCW and 10-08 WAC.

(7) The public shall be notified of the suspension, revocation, modification or reinstatement of a training program's accreditation through appropriate mechanisms.

(8) Department shall maintain a list, available to the public, of entities whose accreditation has been suspended, revoked, or modified.

#### NEW SECTION

**WAC 365-230-250 Schedule of penalties.** (1) The standard penalty for each violation shall be a maximum:

First violation, five hundred dollars and/or ten days suspension.

Second violation, one thousand dollars and/or twenty days suspension.

Third violation, one thousand five hundred dollars and/or thirty days suspension.

Fourth violation, two thousand dollars and/or one year suspension or revocation.

Fifth violation, five thousand dollars and/or one year suspension (or more) or revocation.

(2) The department may aggravate the maximum standard penalty in an amount not to exceed five thousand dollars per violation and/or revocation, based on the following factors:

(a) The violation caused or had the potential to cause injury to humans or significant property damage;

(b) The violation involved fraud or intentional misrepresentation;

(c) The violation was similar to a previous violation; or

(d) The violator obstructed or failed to cooperate with the department's investigation of the violation.

(3) The department may mitigate the maximum standard penalty if the violator has cooperated with the department's investigation and has voluntarily undertaken steps to prevent reoccurrence of the same violation.

(4) Any person or entity whose accreditation or certification has been revoked shall not be eligible to reapply for one year from the effective date of the final order of revocation.

#### NEW SECTION

**WAC 365-230-260 Certification fees.** The following fees are established for certification:

(1) Firms, inspectors, risk assessors, supervisors, project designers and workers shall pay a nonrefundable certification or recertification fee of twenty-five dollars.

(2) All fees shall be in the form of a check or money order made out to the department of community, trade, and economic development.

#### NEW SECTION

**WAC 365-230-270 Other state regulations concerning lead.** The following Washington state regulations may apply to contractors working with lead. Consult the appropriate agency for more information regarding specific requirements:

(1) Department of ecology:

(a) Water quality: WAC 173-340-201A.

(b) Sediments: WAC 173-340-204.

(c) Solid wastes: Chapter 173-303 WAC.

(d) Model Toxics Control Act (MTCA): Chapter 173-340 WAC.

(2) Department of labor and industries:

(a) Lead in construction: WAC 296-155-176.

(b) Respiratory hazards and protection: WAC 296-841-842.

(c) Air contaminants: WAC 296-62-07521.

**WSR 04-05-063**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**

[Filed February 17, 2004, 10:52 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-07-062.

Title of Rule: WAC 415-112-430 How is average final compensation calculated?

Purpose: To update WAC to conform with chapter 31, Laws of 2003 (SB 5096). At the same time, the Department of Retirement Systems (DRS) is revising the rule into "Plain English" to conform with regulatory reform goals.

Statutory Authority for Adoption: RCW 41.50.050(5).

Statute Being Implemented: RCW 41.32.010 (10)(a).

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Merry A. Kogut, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7291; Implementation and Enforcement: Margaret Wimmer, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7044.

Name of Proponent: Department of Retirement Systems, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These amendments have no effect on businesses.

RCW 34.05.328 does not apply to this rule adoption. The Department of Retirement Systems is not one of the named departments in RCW 34.05.328.

Hearing Location: Department of Retirement Systems, 6835 Capitol Boulevard, Boardroom 3rd Floor, Tumwater, WA, on April 6, 2004, at 3:00 p.m.

Assistance for Persons with Disabilities: Contact the rules coordinator by seven days before the hearing, if possible, phone (360) 664-7291, TTY (360) 586-5450, e-mail joeo@drs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Rules Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, e-mail joeo@drs.wa.gov, fax (360) 753-3166, by 5:00 p.m. on April 6, 2004.

Date of Intended Adoption: No sooner than April 7, 2004.

February 12, 2004  
 Merry A. Kogut  
 Rules Coordinator

AMENDATORY SECTION (Amending Order IV, filed 2/15/78)

~~WAC 415-112-430 ((Computing the average earnable compensation.)) How is average final compensation calculated? ((In computing a member's average earnable compensation, the computations shall include only the service during which a member was employed for salary or wages by a state of Washington employer and for which he established Washington membership service credit with the teachers' retirement system. This excludes out-of-state service, military service and professional preparation or other service for which credit may have been established but for which no salary or wages were paid to the member by a state of Washington employer. Contributions based on sabbatical leave, paid sick leave, or other leave paid for by a state of Washington employer and for which credit has been established with the teachers' retirement system shall be included in computing the earnable compensation.)) (1) Plan 1.~~

(a) To calculate average final compensation for a TRS Plan 1 member, the department will:

(i) Except as provided in (b) of this subsection, determine the two consecutive fiscal years in which the member's total earnable compensation is the highest.

(ii) Divide the total earnable compensation for this period by twenty-four to determine the member's average monthly compensation during this period.

(b) A teacher who works two consecutive complete (extended) year contracts may use these two consecutive contract periods, instead of two consecutive fiscal years, to calculate average final compensation. The two consecutive contract periods will be used only if they yield a higher total earnable compensation than any period of two consecutive fiscal years.

(2) **Plans 2 and 3.** To calculate average final compensation for a member of TRS Plans 2 or 3, the department will:

(a) Determine the five consecutive school years in which the member's total earnable compensation is the highest.

(b) Divide the total earnable compensation for this period by sixty to determine the member's average monthly compensation during this period.

**WSR 04-05-068**

**PROPOSED RULES**

**DEPARTMENT OF**

**FISH AND WILDLIFE**

[Filed February 17, 2004, 11:23 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-01-034.

Title of Rule: Residency documents rules.

Purpose: Clarify what is necessary to support "formal evidence an intent to continue residing in the state."

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Establishes the documents needed for a resident license.



Reasons Supporting Proposal: Reduce uncertainty in dealer issuance of licenses.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, (360) 902-2930; Implementation: Jin [Jim] Lux, 1111 Washington Street, Olympia, (360) 902-2444; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, (360) 902-2373.

Name of Proponent: 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: RCW 77.08.010 defines residency, but leaves open the question of what constitutes a formal intent to continue residing in the state. The driver's license laws state that a person must surrender an out-of-state license within thirty days of becoming a resident. Accordingly, the Washington driver's license will be the first proof of residency. For persons who do not drive or are too young to get a driver's license, a Washington identity card or school identification will suffice. Active duty military identification and verbal confirmation of assignment to Washington will also allow issuance of a resident license. Persons who do not have such identification may get a resident license by providing proof of residency to licensing in Olympia.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule proposal has no impact on small businesses. Persons who cannot prove residency will purchase a short-term license if needed, and, upon submitting proof of residency, a letter form licensing will allow the person to purchase the resident license.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Red Lion Hotel, 303 West North River Drive, Spokane, WA, on April 2-3, 2004, begins at 8:00 a.m., April 2, 2004.

Assistance for Persons with Disabilities: Contact Susan Yeager by March 19, 2004, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by March 26, 2004.

Date of Intended Adoption: April 2, 2004.

February 13, 2004

Evan Jacoby

Rules Coordinator

## NEW SECTION

**WAC 220-55-061 Residency of purchaser.** (1) The primary method of establishing by formal evidence an intent to continue residing in the state is possession of a Washington state driver's license. Any licensed driver who does not have a Washington state driver's license will be presumed to not intend to be a Washington resident, and will not be issued a resident license.

(2) Persons who are not licensed to drive may use a Washington state identification card to establish by formal evidence an intent to continue residing in the state.

(3) Persons who are too young to obtain a Washington state driver's license may use a Washington state identification card or school identification to establish by formal evidence an intent to continue residing in the state.

(4) Persons who cannot establish by formal evidence an intent to continue residing in the state by means of subsection (1), (2), or (3) of this section may submit proof of intent to continue residence in the state to the department's licensing office in Olympia. Upon determination of sufficiency of proof, the licensing office will issue a letter allowing purchase of a resident license.

(5) Active duty military who are stationed in Washington may obtain a resident license upon presentation of active duty military identification and verbal confirmation that the service member is assigned to a duty station in Washington state.

(6) Notwithstanding the provisions of this section, proof of identity and residency are satisfied by presentation of a previously issued recreational license showing the purchaser's Washington Interactive License Document (WILD) number, and verbal confirmation by the license applicant that the information on the previously issued license remains valid.

**WSR 04-05-069**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
[Filed February 17, 2004, 11:25 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-24-087.

Title of Rule: Rules to control spread of Denman Island shellfish disease and the spread of oyster drills.

Purpose: To protect the shellfish grower industry and wild and cultured stock of bivalve resources.

Statutory Authority for Adoption: RCW 77.60.060.

Statute Being Implemented: RCW 77.60.060.

Summary: Newly found areas for the presence of Denman Island disease as well as newly found locations of oyster drills requires an updating of current WAC language to make the rules contemporary with the new information.

Reasons Supporting Proposal: New locations of infected oysters and oyster drills have been discovered and these areas need to be regulated to reduce the spread of the disease and the pests.

Name of Agency Personnel Responsible for Drafting: Morris Barker, 1111 Washington Street, Olympia, WA, (360) 902-2826; Implementation: Lew Atkins, 1111 Washington Street, Olympia, WA, (360) 902-2651; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, WA, (360) 902-2373.

Name of Proponent: Department of Fish and Wildlife, governmental.

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

PROPOSED

Explanation of Rule, its Purpose, and Anticipated Effects: Rules broaden currently identified geographic areas of restriction to encompass new areas where disease and pests have been identified for the purpose of preventing the spread of these diseases and pests to other new areas. The anticipated effects are to protect the shellfish grower industry and cultured and wild populations of bivalve shellfish.

Proposal Changes the Following Existing Rules: Broadens geographical areas under current restriction to provide additional protection for newly discovered locations of disease and pests.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

#### Small Business Economic Impact Statement

1. Description of the Reporting, Record-keeping, and Other Compliance Requirements of the Proposed Rule: No reporting, recordkeeping, or compliance is required. The allowed activity (shellfish transfers) is optional.

2. Kinds of Professional Services That a Small Business is Likely to Need in Order to Comply with Such Requirements: None required - optional choice.

3. Costs of Compliance for Businesses, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs: None required - optional choice.

4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue? Yes, potentially.

5. Cost of Compliance for the 10% of Businesses That are the Largest Businesses Required to Comply with the Proposed Rules Using One or More of the Following as a Basis for Comparing Costs:

- a. Cost per employee;
- b. Cost per hour of labor; or
- c. Cost per one hundred dollars of sales.

If Denman Island disease is found in a seed producing area, transfers from that area would be prohibited, causing seed sales to cease. Transfers from the Denman Island Disease surveillance area may require a disease free certification from a department approved shellfish pathologist. These certifications can cost as much as \$1400, however, most, if not all, shellfish growers who transfer shellfish on a regular basis within the state already obtain these certifications for export out of the state. If Japanese oyster drills are found in an oyster bed, transfers from that area may be limited. If a transfer is made from a drill area to a drill free area, oysters must be soaked in freshwater for forty-eight hours. This can be done at a minor cost to shellfish growers.

6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses or Reasonable Justification for Not Doing So: The department worked with an advisory group (academics, private researchers and shellfish industry representatives), shellfish pathologist, and the public (through a public workshop) on the subject to reach consensus on the proposed rules. The proposed rules were not perceived to be onerous or costly by the user groups contacted.

7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule: The department will hold a public hearing of the proposed rules at the WDFW commission meeting on April 2-3, 2004, where small busi-

ness and the public can provide their additional comments on the rules.

8. A List of Industries That Will Be Required to Comply with the Rule: None, as rule is optional.

A copy of the statement may be obtained by writing to Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Red Lion Hotel "At the Park," 303 West North River Drive, Spokane, WA, on April 2-3, 2004, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Susan Yeager by March 20, 2004, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by March 26, 2004.

Date of Intended Adoption: April 2, 2004.

February 17, 2004

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 03-86, filed 4/30/03, effective 5/31/03)

**WAC 220-72-011 Oyster drill restricted shellfish areas—Puget Sound.** All waters, tidelands, shellfish handling facilities and equipment (including aquaculture vehicles and vessels) operated in conjunction with said waters and tidelands of Puget Sound within the following areas are designated as oyster drill restricted shellfish areas:

(1) Dungeness Bay—inside and bounded westerly of a line projected from the most easterly tip of Dungeness Spit true-south to the mainland.

(2) Drayton Harbor—inside and southerly of a line projected from the north most tip of Semiahmoo Spit to where the International Boundary line intersects the mainland.

(3) Lummi Bay—inside the Lummi Dike and inside and bounded by a line projected from:

Point No. 1 at 48°46'32" N. Lat.  
122°40'00" W. Long. thence to

Point No. 2 at 48°45'55" N. Lat.  
122°40'00" W. Long. thence to

Point No. 3 at 48°45'55" N. Lat.  
122°39'12" W. Long.

Then northerly along the beach to the point of origin.

(4) Samish Bay—inside and easterly of a line starting at the most westerly tip of Governor's Point and projected in a southerly direction to the most westerly tip of William Point on Samish Island.

(5) Padilla Bay—easterly (including the Swinomish channel) of a line starting at the most westerly tip of William Point on Samish Island and projected southerly to the most northerly tip of March Point on Fidalgo Island.

(6) Similk and Skagit Bays—northerly of a line projected across Skagit Bay following latitude 48°20' N. and easterly of the Deception Pass bridge.

(7) Liberty Bay—inside and westerly of a line projected true south from the most southerly point at Tower Point.

(8) Dyes Inlet—inside and northerly of a line projected true east from the most northerly tip of Rocky Point to the mainland.

(9) Carr Inlet—

(a) Burley Lagoon—inside and northerly of the Purdy bridge.

(b) Minter Creek—waters of Minter Creek, and waters of Puget Sound inside a line beginning on the east shore of the Key Peninsula at 122°41'00" W. Long., thence projected south to the intersection with 47°21'00" N. Lat., thence projected due west to shore.

(10) Case Inlet—

(a) Rocky Bay and North Bay—northerly of a line projected across Case Inlet following latitude 47°20'44" N.

(b) Vaughn Bay—easterly of a line projected true north from the most northerly point of the southern spit at the mouth of Vaughn Bay to the mainland on the north shore.

(11) Hammersley Inlet and Oakland Bay—inside, westerly and northerly of a line starting at the most southeasterly point of Munson Point and projected in a southeasterly direction to Eagle Point.

(12) Totten Inlet, Oyster Bay and Little Skookum Inlet—inside and southerly of a line starting at the most southeasterly point on Windy Point and projected northeasterly to the most northerly tip of Sandy Point (i.e., the southern base of the Steamboat Island Bridge).

(13) Eld Inlet—

(a) Mud Bay—inside and westerly of a line projected from the most easterly point of Flapjack Point and projected true south to the mainland.

(b) Sanderson Harbor—lying inside and westerly of a line starting at the most northern point on Sanderson Spit and projected northeasterly to the mainland.

(14) Nisqually Flats—inside and southerly of a line starting at the end of the DuPont Dock and projected true west to the mainland.

(15) Hood Canal—

(a) Quilcene Bay—inside, northerly and easterly of a line starting at the Port of Port Townsend boat ramp north of Coast Seafoods company shellfish hatchery projected easterly to a point at 48°48'10" N. Lat., 122°51'30" W. Long. and then projected southeasterly to the most westerly tip of Fisherman's Point.

(b) Tarboo Bay—inside, northerly and easterly of a line starting at the most northerly tip of Long Spit and then projected true west to the mainland.

(c) The Great Bend to Lynch Cove—inside and bounded easterly by lines projected from:

Point No. 1 at 47°23'02.7" N. Lat.  
123°06'42.8" Long. thence to

Point No. 2 at 47°23'02.7" N. Lat.  
123°06'55" W. Long. thence to

Point No. 3 at 47°21'00" N. Lat.  
123°06'55" W. Long., then projected true east to the mainland.

(d) Hamma Hamma Flats and Jorsted Creek—inside and westerly of lines projected from:

Point No. 1 at 47°33'15" N. Lat.  
123°01'42" W. Long. thence to

Point No. 2 at 47°32'54" N. Lat.  
123°01'06" W. Long. thence to

Point No. 3 at 47°32'54" N. Lat.  
123°01'48" W. Long. thence to

Point No. 4 at 47°31'00" N. Lat.  
123°01'54" W. Long.

(e) Dosewallips Delta—inside and westerly of lines projected from:

Point No. 1 at 47°41'03" N. Lat.  
122°53'45" W. Long. thence to

Point No. 2 at 47°41'03" N. Lat.  
122°52'24" W. Long. thence to

Point No. 3 at 47°42'20.6" N. Lat.  
122°52'24" W. Long. thence to

Point No. 4 at 47°42'20.6" N. Lat.  
122°52'39" W. Long.

(f) Point Whitney—inside and westerly of lines projected from:

Point No. 1 at 47°45'43.7" N. Lat.  
122°51'02" W. Long. thence to

Point No. 2 at 45°45'56" N. Lat.  
122°51'02" W. Long. thence to

Point No. 3 at 45°45'56" N. Lat.  
122°51'12" W. Long. thence to

Point No. 4 at 47°45'45" N. Lat.  
122°51'12" W. Long.

(g) Duckabush River Mouth—inside and westerly of a line projected from:

Point No. 1 at 47°38'46" N. Lat.  
122°54'08" W. Long. thence to

Point No. 2 at 47°37'55" N. Lat.  
122°56'25" W. Long.

(16) Henderson Inlet—South Bay—inside and southerly of a line commencing at a point on the west shore of Henderson Inlet where the south line of Section 17, Twp 19 N R 1 WWM intersects the shoreline, thence projected true east across Henderson Inlet to the east shoreline.

AMENDATORY SECTION (Amending Order 03-86, filed 4/30/03, effective 5/31/03)

**WAC 220-72-089 Denman Island Disease prohibited area.** An area where *Mikrocytos mackini*, the causative agent of Denman Island Disease, has been confirmed with department approved histological methods by a department approved shellfish pathologist or reported in peer-reviewed scientific journal and accepted by the department. All waters, tidelands, shellfish handling facilities and equipment (including aquaculture vehicles and vessels) operated in conjunction with said waters and tidelands within the following areas are designated as Denman Island Disease prohibited areas:

(1) Dungeness Bay—inside and westerly of a line projected from the tip of Dungeness Spit due south to the mainland.

(2) Orcas Island—

(a) Deer Harbor—inside and northerly of a line projected ((between)) from Pole Pass Point ((and)) to Steep Point.

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(b) West Sound—inside and northerly of a line projected from Caldwell Point to the most southerly point of land west of the community of Orcas.

(c) East Sound—inside and northerly of a line projected from Diamond Point to the most south-westerly point on Orcas Island at Obstruction Pass.

(3) Westcott Bay—inside and westerly of a line projected from the most southerly point of White Pass to the most northerly point of Delacombe Point.

(4) Bellingham and Samish Bays—southerly and inside of a line projected from Lummi Point to Gooseberry Point and easterly and inside of a line projected from Carter Point to William Point.

(5) Minter Creek—waters of Minter Creek, and waters of Puget Sound inside a line beginning on the east shore of the Key Peninsula at 122°41'00" W. Long., thence projected south to the intersection with 47°21'00" N. Lat., thence projected due west to shore.

(6) McMicken Island—inside and westerly of a line projected from Dougall Point to Wilson Point.

(7) Oakland Bay—north of 47°14'30" N. Lat. and south of 47°15'00" N. Lat.

AMENDATORY SECTION (Amending Order 03-86, filed 4/30/03, effective 5/31/03)

**WAC 220-72-090 Denman Island Disease surveillance area.** All waters, tidelands, shellfish handling facilities and equipment (including aquaculture vehicles and vessels) operated in conjunction with said waters and tidelands within the following areas are designated as Denman Island Disease surveillance areas:

(1) North Puget Sound, Strait of Juan de Fuca and San Juan Islands - easterly of a line projected true north ((of)) from Cape Flattery to the international boundary line, northerly of a line ((between)) projected from the north most tip of Tala Point ((and)) to the ((west)) western most tip of Foul-weather Bluff, and northerly of a line ((between)) projected from the east most point of Apple Cove Point ((and)) to the ((west)) western most point of Edwards Point.

(2) South Puget Sound - All contiguous water south and east of the Tacoma Narrows Bridge.

**WSR 04-05-075**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed February 17, 2004, 1:51 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-01-156.

Title of Rule: Medical aid rules—Conversion factors and maximum daily fees, WAC 296-20-135, 296-23-220, and 296-23-230.

Purpose: This rule will provide medical aid updates regarding rate setting for most professional health care ser-

vices for injured workers. These updates also impact rates for health care services provided to crime victims.

Statutory Authority for Adoption: RCW 51.04.020(1) and 51.04.030.

Statute Being Implemented: RCW 51.36.080.

Summary: The purpose of the rule is to update the department's payment rates for health care services by:

(1) Changing the conversion factor used to calculate payment levels for services payable through the resource based relative value scale (RBRVS) fee schedule;

(2) Changing the conversion factor used to calculate payment for anesthesia services; and

(3) Increasing the maximum daily payment for physical and occupational therapy.

Reasons Supporting Proposal: This rule will provide medical aid updates regarding rate setting for most professional health care services for injured workers. These updates also impact rates for health care services provided to crime victims.

Name of Agency Personnel Responsible for Drafting: Tom Davis, Tumwater, Washington, (360) 902-6687; Implementation and Enforcement: Robert Malooly, Assistant Director, Tumwater, Washington, (360) 902-4209.

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 purpose of the rule is to update the department's payment rates for health care services by:

(1) Increasing the conversion factors used to calculate maximum payment for services paid with the resource based relative value scale (RBRVS) fee schedule;

(2) Increasing the conversion factor used to calculate maximum payment for anesthesia services; and

(3) Increasing the maximum daily payment for physical and occupational therapy services.

The conversion factor updates are made in accordance with WAC 296-20-132, Determination of conversion factor adjustments. The anticipated effect of this rule change is to allow crime victims continued access to health care services.

Proposal Changes the Following Existing Rules: WAC 296-20-135(2), increase the RBRVS conversion factor from \$50.58 to \$50.63;

WAC 296-20-135(3), increase the anesthesia conversion factor from \$2.80 to \$2.81; and

WAC 296-23-220 and 296-23-230, increase the maximum daily rate for physical and occupational therapy services from \$103.65 to \$104.12.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule adoption is exempt under RCW 34.05.328 (5)(b)(vi) and 19.85.025(3).

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 does not apply because the content of this rule is explicitly dictated by statute and fits within the exceptions listed in RCW 34.05.328 (5)(b)(vi).

Hearing Location: Department of Labor and Industries, 7273 Linderson Way S.W., Tumwater, WA 98501, on March 23, 2004, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Tom Davis by March 16, 2004, TDD 1-800-833-6388 or fax (360) 902-4249 or e-mail dato235@lni.wa.gov.

Submit Written Comments to: Tom Davis, P.O. Box 4322, Olympia, WA 98501-4322, phone (360) 902-6687, fax (360) 902-4249, e-mail dato235@lni.wa.gov, by March 30, 2004.

Date of Intended Adoption: April 20, 2004.

February 17, 2004

Paul Trause

Director

**AMENDATORY SECTION** (Amending WSR 03-14-043, filed 6/24/03, effective 8/1/03)

**WAC 296-20-135 Conversion factors.** (1) Conversion factors are used to calculate payment levels for services reimbursed under the Washington resource based relative value scale (RBRVS), and for anesthesia services payable with base and time units.

(2) **Washington RBRVS** services have a conversion factor of (~~(\$50.58)~~) \$50.63. The fee schedules list the reimbursement levels for these services.

(3) **Anesthesia services** that are paid with base and time units have a conversion factor of (~~(\$2.80)~~) \$2.81 per minute, which is equivalent to (~~(\$42.00)~~) \$42.15 per 15 minutes. The base units and payment policies can be found in the fee schedules.

**AMENDATORY SECTION** (Amending WSR 03-14-043, filed 6/24/03, effective 8/1/03)

**WAC 296-23-220 Physical therapy rules.** Practitioners should refer to WAC 296-20-010 through 296-20-125 for general information and rules pertaining to the care of workers.

Refer to WAC 296-20-132 and 296-20-135 regarding the use of conversion factors.

All supplies and materials must be billed using HCPCS Level II codes. Refer to chapter 296-21 WAC for additional information. HCPCS codes are listed in the fee schedules.

Refer to chapter 296-20 WAC (WAC 296-20-125) and to the department's billing instructions for additional information.

Physical therapy treatment will be reimbursed only when ordered by the worker's attending doctor and rendered by a licensed physical therapist or a physical therapist assistant serving under the direction of a licensed physical therapist. Doctors rendering physical therapy should refer to WAC 296-21-290.

The department or self-insurer will review the quality and medical necessity of physical therapy services provided to workers. Practitioners should refer to WAC 296-20-01002 for the department's rules regarding medical necessity and to WAC 296-20-024 for the department's rules regarding utilization review and quality assurance.

The department or self-insurer will pay for a maximum of one physical therapy visit per day. When multiple treatments (different billing codes) are performed on one day, the department or self-insurer will pay either the sum of the indi-

vidual fee maximums, the provider's usual and customary charge, or (~~(\$103.65)~~) \$104.12 whichever is less. These limits will not apply to physical therapy that is rendered as part of a physical capacities evaluation, work hardening program, or pain management program, provided a qualified representative of the department or self-insurer has authorized the service.

The department will publish specific billing instructions, utilization review guidelines, and reporting requirements for physical therapists who render care to workers.

Use of diapulse or similar machines on workers is not authorized. See WAC 296-20-03002 for further information.

A physical therapy progress report must be submitted to the attending doctor and the department or the self-insurer following twelve treatment visits or one month, whichever occurs first. Physical therapy treatment beyond initial twelve treatments will be authorized only upon substantiation of improvement in the worker's condition. An outline of the proposed treatment program, the expected restoration goals, and the expected length of treatment will be required.

Physical therapy services rendered in the home and/or places other than the practitioner's usual and customary office, clinic, or business facilities will be allowed only upon prior authorization by the department or self-insurer.

No inpatient physical therapy treatment will be allowed when such treatment constitutes the only or major treatment received by the worker. See WAC 296-20-030 for further information.

The department may discount maximum fees for treatment performed on a group basis in cases where the treatment provided consists of a nonindividualized course of therapy (e.g., pool therapy; group aerobics; and back classes).

Biofeedback treatment may be rendered on doctor's orders only. The extent of biofeedback treatment is limited to those procedures allowed within the scope of practice of a licensed physical therapist. See chapter 296-21 WAC for rules pertaining to conditions authorized and report requirements.

Billing codes and reimbursement levels are listed in the fee schedules.

**AMENDATORY SECTION** (Amending WSR 03-14-043, filed 6/24/03, effective 8/1/03)

**WAC 296-23-230 Occupational therapy rules.** Practitioners should refer to WAC 296-20-010 through 296-20-125 for general information and rules pertaining to the care of workers.

Refer to WAC 296-20-132 and 296-20-135 for information regarding the conversion factors.

All supplies and materials must be billed using HCPCS Level II codes, refer to the department's billing instructions for additional information.

Occupational therapy treatment will be reimbursed only when ordered by the worker's attending doctor and rendered by a licensed occupational therapist or an occupational therapist assistant serving under the direction of a licensed occupational therapist. Vocational counselors assigned to injured workers by the department or self-insurer may request an occupational therapy evaluation. However, occupational

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therapy treatment must be ordered by the worker's attending doctor.

An occupational therapy progress report must be submitted to the attending doctor and the department or self-insurer following twelve treatment visits or one month, whichever occurs first. Occupational therapy treatment beyond the initial twelve treatments will be authorized only upon substantiation of improvement in the worker's condition. An outline of the proposed treatment program, the expected restoration goals, and the expected length of treatment will be required.

The department or self-insurer will review the quality and medical necessity of occupational therapy services. Practitioners should refer to WAC 296-20-01002 for the department's definition of medically necessary and to WAC 296-20-024 for the department's rules regarding utilization review and quality assurance.

The department will pay for a maximum of one occupational therapy visit per day. When multiple treatments (different billing codes) are performed on one day, the department or self-insurer will pay either the sum of the individual fee maximums, the provider's usual and customary charge, or (~~(\$103.65)~~) \$104.12 whichever is less. These limits will not apply to occupational therapy which is rendered as part of a physical capacities evaluation, work hardening program, or pain management program, provided a qualified representative of the department or self-insurer has authorized the service.

The department will publish specific billing instructions, utilization review guidelines, and reporting requirements for occupational therapists who render care to workers.

Occupational therapy services rendered in the worker's home and/or places other than the practitioner's usual and customary office, clinic, or business facility will be allowed only upon prior authorization by the department or self-insurer.

No inpatient occupational therapy treatment will be allowed when such treatment constitutes the only or major treatment received by the worker. See WAC 296-20-030 for further information.

The department may discount maximum fees for treatment performed on a group basis in cases where the treatment provided consists of a nonindividualized course of therapy (e.g., pool therapy; group aerobics; and back classes).

Billing codes, reimbursement levels, and supporting policies for occupational therapy services are listed in the fee schedules.

## WSR 04-05-076

### PROPOSED RULES

#### DEPARTMENT OF CORRECTIONS

[Filed February 17, 2004, 2:46 p.m.]

#### Original Notice.

Preproposal statement of inquiry was filed as WSR 04-01-167.

Title of Rule: Amendments to WAC 137-28-260 Serious infractions.

Purpose: Refine the definitions of two serious infractions numbers 606 and 707.

Statutory Authority for Adoption: RCW 72.01.090, 72.09.130, and 9.94.070.

Statute Being Implemented: RCW 72.09.130 and 9.94-070.

Summary: The amendments make the possession of tobacco, or trafficking in tobacco products or paraphernalia an infraction.

Reasons Supporting Proposal: These changes are necessary to maintain discipline within state correctional institutions. The opportunity for public comment and review of the proposed serious infraction amendments furthers the department's intent to implement its authority delegated pursuant to RCW 72.09.130 and 9.94.070.

Name of Agency Personnel Responsible for Drafting: John Nispel, P.O. Box 41114, Olympia, WA 98504-1114, (360) 586-2160; Implementation and Enforcement: Eldon Vail, Deputy Secretary, P.O. Box 41118, Olympia, WA 98504-1118, (360) 753-1502.

Name of Proponent: Washington State Department of Corrections, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed changes will enhance discipline in the institutions operated by the department, further refining and clarifying disciplinary behavior. The following changes are proposed: WAC 137-28-260 Serious infractions, amend infractions number 606 to include possession of tobacco paraphernalia and number 707 to include tobacco, tobacco products or paraphernalia.

Proposal Changes the Following Existing Rules: See Explanation of Rule above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules affect incarcerated offenders only and will not impose costs on businesses.

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 does not apply to this rule adoption as the agency is not named in RCW 34.05.328 (5)(a)(i).

Hearing Location: Department of Corrections, 2nd Floor Conference Room, 410 West 5th Street, Olympia, WA 98504, on March 23, 2004, at 10 a.m.

Assistance for Persons with Disabilities: Contact John R. Nispel by March 16, 2004, (360) 586-2160.

Submit Written Comments to: John R. Nispel, Rules Coordinator, Department of Corrections, P.O. Box 41114, Olympia, WA 98504-1114, fax (360) 664-2009, by March 23, 2004.

Date of Intended Adoption: March 23, 2004.

February 17, 2004

Patria N. Robinson-Martin  
for Joseph D. Lehman  
Secretary

**AMENDATORY SECTION** (Amending WSR 02-12-023, filed 5/28/02, effective 6/28/02)

**WAC 137-28-260 Serious infractions.**

**(1) Assault/threatening actions/causing injury to another person**

- 501 - Committing homicide.
- 502 - Aggravated assault on another offender.
- 503 - Extortion, blackmail, or demanding or receiving money or anything of value in return for protection against others, or under threat of informing.
- 505 - Fighting with any person.
- 506 - Threatening another with bodily harm or with any offense against another person, property or family.
- 508 - Throwing objects, materials, substances or spitting at staff, visitors, or other inmates.
- 511 - Aggravated assault on a visitor.
- 521 - Taking or holding any person hostage.
- 588 - Causing a valid and documented threat of transmission of a contagious disease to any person due to intentional, negligent or reckless action.
- 604 - Aggravated assault on a staff member.
- 611 - Sexual assault on a staff member.
- 633 - Assault on another offender.
- 635 - Sexual assault on another offender.
- 663 - Using physical force, intimidation or coercion against any person.
- 704 - Assault on a staff member.
- 711 - Assault on a visitor.
- 717 - Causing a threat of injury to another person by resisting orders, resisting assisted movement or physical efforts to restrain.
- 777 - Causing injury to another person by resisting orders, resisting assisted movement or physical efforts to restrain.

**Unauthorized possession**

- 559 - Gambling; possession of gambling paraphernalia.
- 601 - Possession, manufacture or introduction of an explosive device or any ammunition, or any components of an explosive device or ammunition.
- 602 - Possession, manufacture or introduction of any gun, firearm, weapon, sharpened instrument, knife, or poison or any components thereof.
- 620 - Receipt or possession of contraband during participation in off-grounds or outer perimeter activity or work detail.

- 660 - Unauthorized possession of money, stamps, or negotiable instruments, the value of which is five dollars or more.
- 702 - Possession, manufacture or introduction of an unauthorized tool.
- 736 - Possession, manufacture or introduction of unauthorized keys.
- 738 - Possession of the clothing of a staff member.
- 739 - Possession of personal information about currently employed staff, contractors or volunteers, or their immediate family members, not voluntarily given to the offender by the individual involved, including, but not limited to: Social Security numbers, unpublished home addresses or telephone numbers, drivers license numbers, medical, personnel, financial or real estate records, bank or credit card numbers, or other like information not authorized by the court or the superintendent.

**Tattooing**

- 710 - Being tattooed while incarcerated, tattooing another, or possessing tattoo paraphernalia.

**Theft/possession of stolen property**

- 555 - Theft of property or possession of stolen property.
- 741 - Theft of food, the value of which is more than five dollars.
- 755 - Misuse or waste of issued supplies, goods, services or property, the replacement value of which is ten dollars or more.

**Forgery**

- 654 - Counterfeiting, forging, altering or unauthorized reproduction of any document, article of identification, money, security, or official paper.

**Setting fire, damaging or destroying property**

- 553 - Setting a fire.
- 554 - Mutilating, altering, defacing or destroying any item, the value of which is ten dollars or more and that is not the personal property of the inmate.
- 563 - Making a false fire alarm or tampering with, damaging, blocking or interfering with fire alarms, fire extinguishers, fire hoses, fire exits, or other fire fighting equipment or devices.
- 600 - Tampering with, damaging, blocking, or interfering with any locking or security device.
- 720 - Flooding a cell or other area of the institution.

**Inciting others/participation in unacceptable group behavior**

- 650 - Rioting.
- 651 - Inciting others to riot.

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- 652 - Engaging in or inciting a group demonstration.
- 682 - Engaging in or inciting an organized work stoppage.
- 708 - Organizing or participating in an unauthorized group activity or meeting.
- 734 - Participating or engaging in the activities of any unauthorized club, organization, gang or security threat group; or wearing or possessing the symbols of an unauthorized club, organization, gang or security threat group.
- 746 - Engaging in or inciting an organized hunger strike.

**Inappropriate sexual behavior**

- 504 - Engaging in sexual acts with others with the exception of spouses during approved extended family visits.
- 659 - Sexual harassment; any word, action, gesture or other behavior that is sexual in nature and that would be offensive to a reasonable person.
- 728 - Possession of any written, photographic or hand-drawn material that depicts a sexually explicit act as defined in WAC 137-28-160.
- 750 - Indecent exposure.

**Providing false statements**

- 551 - Providing false information to a disciplinary hearing officer or on a disciplinary appeal.
- 552 - Causing an innocent person to be penalized or proceeded against by providing false information.
- 706 - Giving false information about proposed community residence when proposing a release plan, community placement, etc.

**Interfering with staff/impersonating**

- 558 - Interfering with staff members, medical personnel, fire fighters, or law enforcement personnel in the performance of their duties.
- 605 - Impersonating any staff member, other inmate or visitor.

**Failure to follow orders and rules**

- 509 - Refusing a direct order by any staff member to proceed to or disperse from a particular area.
- 556 - Refusing to submit to or cooperate in a search when ordered to do so by a staff member.
- 557 - Refusing to participate in an available education or work program or other mandatory programming assignment.
- 609 - Refusing or failing to submit to testing required by policy, statute, or court order, such as DNA blood tests, when ordered to do so by a staff member.

- 658 - Failing to comply with any administrative or posthearing sanction imposed for committing any general or serious infraction.

- 724 - Refusing a cell or housing assignment.

- 745 - Refusing a transfer to another facility.

**Counts/unauthorized absence**

- 653 - Causing an inaccurate count by means of unauthorized absence, hiding, concealing ones self or other form of deception or distraction.

**Escape/attempted escape**

- 525 - Violating conditions of furlough.
- 550 - Escape or attempted escape.
- 560 - Unauthorized possession of items or materials likely to be used in an escape attempt.

**Committing crimes/excess infractions**

- 507 - Committing any act that is a felony under state or federal law that is not otherwise included in these rules.
- 517 - Committing any act that is a misdemeanor under local, state, or federal law that is not otherwise included in these rules.
- 657 - Being found guilty of four or more general infractions which have been reported in writing arising out of separate incidents, all of which occur within a six-month period.

**Unacceptable communication**

- 718 - Use of mail or telephone in violation of court order or local, state or federal law.
- 726 - Telephoning or sending written communication or otherwise initiating communication with a minor without the approval of that minor's parent or guardian.
- 727 - Telephoning or sending written communications to any person contrary to previous written warnings and/or documented disciplinary actions.

**Misuse of controlled substances, drugs, alcohol and related programs**

- 603 - Possession, introduction, or transfer of any narcotic, controlled substance, illegal drug, unauthorized drug or drug paraphernalia.
- 606 - Possession of tobacco products ((and/or)), matches ((in close/maximum housing units where strictly prohibited)), or tobacco paraphernalia.
- 607 - Refusing to submit to a urinalysis and/or failure to provide a urine sample when ordered to do so by a staff member.
- 608 - Refusing or failing to submit to a breathalyzer or other standard sobriety test when ordered to do so by a staff member.



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- 610 - Unauthorized accumulation of prescribed medication greater than a single or daily dose.
- 655 - Making intoxicants, alcohol, controlled substances, narcotics, or the possession of ingredients, equipment, items, formulas or instructions that are used in making intoxicants, alcohol, controlled substances, or narcotics.
- 707 - Possession, introduction, or transfer of any alcoholic or intoxicating beverage, or any tobacco, tobacco products or paraphernalia.
- 716 - Unauthorized use of drugs, alcohol or other intoxicants.
- 752 - Receiving a positive test for use of unauthorized drugs, alcohol, or other intoxicants.

**Soliciting/fraud**

- 656 - Giving, offering or receiving from any person a bribe or anything of value for an unauthorized favor or service.
- 662 - Soliciting goods or services for which the provider would expect payment when the inmate knows or should know that no funds are available to pay for those goods or services.
- 714 - Giving, selling, borrowing, lending, or trading money or anything of value to, or accepting or purchasing money or anything of value from, another inmate or that inmate's friend(s) or family, the value of which is ten dollars or more.
- 740 - Fraud, embezzlement, or obtaining goods, services, money, or anything of value under false pretense.

**Creating an emergency situation**

- 712 - Attempted suicide or self-mutilation.
- 742 - Creating a false emergency by feigning illness when contrary to medical/mental health screening results.
- 744 - Making a bomb threat.

(2) In determining whether a #728 infraction or a #328 infraction pursuant to WAC 137-28-220 should be charged, the infracting officer shall consider mitigating factors as defined in WAC 137-28-160.

license at a time and 230-04-196 The commission may issue Class A or B bingo operator's licenses authorizing the conduct of the games at up to three separate locations.

Purpose: In 2002, RCW 9.46.0205 was amended to remove the three days of operation per week limit for bingo games. Bingo licensees may now operate as often as they choose within the county their organization is principally located.

Statutory Authority for Adoption: RCW 9.46.070.

Statute Being Implemented: Not applicable.

Summary: There is no regulatory purpose to limit bingo operators to one license per county. This rule repeal would allow bingo operators to hold more than one license (i.e. operate at more than one location) in the county they are principally located.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Susan Arland, Lacey, (360) 486-3466; Implementation: Rick Day, Lacey, (360) 486-3446; and Enforcement: Bob Berg, Lacey, (360) 486-3452.

Name of Proponent: Staff, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Title of Rule and Summary above.

Proposal Changes the Following Existing Rules: See Title of Rule and Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposal is exempt under RCW 19.85.025(2); therefore, a small business economic impact statement is not required.

RCW 34.05.328 does not apply to this rule adoption. This agency does not choose to make section 201, chapter 403, Laws of 1995 apply to this rule adoption.

Hearing Location: Phoenix Inn Suites, 415 Capitol Way North, Olympia, WA 98501, (360) 570-0555, on April 9, 2004, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Shirley Corbett by April 1, 2004, TDD (360) 486-3637 or (360) 486-3447.

Submit Written Comments to: Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, fax (360) 486-3625, by April 1, 2004.

Date of Intended Adoption: April 9, 2004.

February 13, 2004

Susan Arland

Rules Coordinator

**WSR 04-05-078**

**PROPOSED RULES**

**GAMBLING COMMISSION**

[Filed February 17, 2004, 2:49 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-23-137.

Title of Rule: Bingo operators, WAC 230-04-192 Person to hold one bingo license and one amusement game

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 230-04-192

Person to hold one bingo license and one amusement game license at a time.

WAC 230-04-196

The commission may issue Class A or B bingo operator's licenses authorizing the con-

duct of the games at up to three separate locations.

PROPOSED

**WSR 04-05-081**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Health and Rehabilitative Services Administration)

[Filed February 17, 2004, 4:34 p.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 388-865-0465 Adult residential treatment facility certification—Additional standards.

Purpose: This filing is to correct a typographical error to an incorrect WAC reference.

Other Identifying Information: This proposed rule that corrects a typographical error without changing the effect of the rule is exempt from filing a CR-101 preproposal statement of inquiry under RCW 34.05.310 (4)(d).

Statutory Authority for Adoption: RCW 71.05.560.

Statute Being Implemented: Chapter 71.05 RCW.

Summary: This filing is to correct a typographical error to an incorrect WAC reference.

Reasons Supporting Proposal: Providing correct information to the public.

Name of Agency Personnel Responsible for Drafting and Implementation: Kathy Burns Peterson, P.O. Box 45320, Olympia, WA 98504, (360) 902-0843; and Enforcement: Darleen Vernon, P.O. Box 45320, Olympia, WA 98504, (360) 902-0873.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: This filing is to correct a typographical error to an incorrect WAC reference.

Proposal Changes the Following Existing Rules: See Purpose, Summary, and Reasons Supporting Proposal above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule corrects a typographical error and does not [impose] costs on small businesses.

These changes are improvements for clarity and do not have an economic impact to small businesses or small non-profits compared to current rules for these facilities.

RCW 34.05.328 does not apply to this rule adoption. The department finds that this rule does not meet the definition of a significant legislative rule in RCW 34.05.328 (5)(c)(iii), and the provisions of this statute do not apply.

Hearing Location: Lacey Government Center (public parking behind Sakura Japanese Restaurant), Room 104-B, 1009 College Street, Lacey, WA, on March 23, 2004, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by March 19, 2004,

phone (360) 664-6097, TTY (360) 664-6178, e-mail swensFH@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., March 23, 2004.

Date of Intended Adoption: Not sooner than March 24, 2004.

February 10, 2004

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 04-01-091, filed 12/16/03, effective 1/16/04)

**WAC 388-865-0465 Adult residential treatment facility certification—Additional standards.** In order to be certified to provide services at an adult residential treatment facility, the licensed mental health agency must assure that all general minimum standards for community support are met, and in addition:

(1) Be licensed as a mental health adult residential treatment facility by the department of health under chapter ((246-377)) 246-337 WAC; and

(2) Be certified to provide services to a consumer on a less restrictive alternative court order consistent with WAC 388-865-0466.

**WSR 04-05-082**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Medical Assistance Administration)

[Filed February 17, 2004, 4:37 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-02-052.

Title of Rule: Chapter 388-527 WAC, Services subject to recovery, amending WAC 388-527-2700, 388-527-2730, 388-527-2733, 388-527-2740, 388-527-2742, 388-527-2754 and 388-527-2790; and new section WAC 388-527-2792.

Purpose: To increase the scope of the state's recovery of costs of medical care from a client's estate.

Statutory Authority for Adoption: RCW 43.20B.080 and 74.08.090.

Statute Being Implemented: RCW 43.20B.080, 74.34.090, Section 1917(b) of the Social Security Act (42 U.S.C. 1396p).

Summary: These amendments are being proposed in order to:

- Update program-related definitions;
- Identify assets and resources of Native Americans/Alaska Natives that are exempt from estate recovery;

- Exclude government reparation payments to special population from estate recovery;
- Include Division of Developmental Disabilities' clients in estate recovery for state-funded long-term care services;
- Identify additional Medicaid expenditures to be included in estate recovery. The proposed language includes all Medicaid services, premium payments to managed care organizations, and Medicare cost-sharing services and Medicare premiums for individuals also receiving Medicaid; and
- Allow interest to be charged on debts that are past due.

Reasons Supporting Proposal: ESSB 6153-Washington State Omnibus Operating Budget 2001-2003 (chapter 7, Part II, Laws of 2001) requires additional medical assistance costs to be subject to estate recovery by the department.

Name of Agency Personnel Responsible for Drafting: Wendy Boedigheimer, MAA, P.O. Box 45533, Olympia, WA 98504-5533, (360) 725-1306; Implementation and Enforcement: Mary Beth Ingram, MAA, P.O. Box 45534, Olympia, WA 98504-5534, (360) 725-1327.

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

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

Proposal Changes the Following Existing Rules: This proposed rule increases the state's recovery of medical expenses as allowed by U.S.C. Sec. 1396p (b)(B)(ii) and brings the department in line with RCW 43.20B.080.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The Medical Assistance Administration (MAA) has analyzed the proposed rule and concludes that the rule change does not impose costs, regulatory burdens, or affect income of small businesses.

RCW 34.05.328 applies to this rule adoption. The proposed rule change meets the definition of a significant legislative rule. A determination of the probable costs and benefits is available from the person listed above.

Hearing Location: Lacey Government Center (parking behind Sakura Japanese Restaurant), Room 104-B, 1009 College Street, Lacey, WA 98503, on March 23, 2004, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by March 19, 2004, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., March 23, 2004.

Date of Intended Adoption: Not sooner than March 24, 2004.

February 11, 2004

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 99-11-076, filed 5/18/99, effective 6/18/99)

**WAC 388-527-2700 Purpose.** This chapter describes the requirements, limitations, and procedures that apply when the department ((will recover from the estate of a deceased client,)) ~~recovers~~ the cost of medical care ((correctly paid on the client's behalf by the department as described by this chapter)) ~~from the estate of a deceased client.~~

AMENDATORY SECTION (Amending WSR 99-11-076, filed 5/18/99, effective 6/18/99)

**WAC 388-527-2730 Estate recovery definitions.** For estate recovery purposes:

**"Contract health service delivery area (CHSDA)"** means the geographic area within which contract health services will be made available by the Indian Health Service to members of an identified Indian community who reside in the area as identified in 42 C.F.R. Sec. 136.21(d) and 136.22.

**"Estate"** means all real and personal property and any other assets that pass upon the client's death under the client's will or by intestate succession pursuant to chapter 11.04 RCW or under chapter 11.62 RCW. The value of the estate will be reduced by any valid liability against the deceased client's property at the time of death. An estate also includes:

(1) For a client who died after June 30, 1995 and before July 27, 1997, nonprobate assets as defined by RCW 11.02.-005, except property passing through a community property agreement; or

(2) For a client who died after July 26, 1997, nonprobate assets as defined by RCW 11.02.005.

~~((The value of the estate shall be reduced by any valid liability against the deceased client's property at the time of death.))~~

**"Lis pendens"** means a notice filed in public records warning that title to certain real property is in litigation and this outcome may affect the title.

**"Long-term care services"** means, for the purposes of this chapter only, the services administered directly or through contract by the ((aging and adult services administration of the)) department((;)) of social and health services for clients of the home and community services division and division of developmental disabilities including, but not limited to, nursing facility care and home and community services.

**"Medicaid"** means the state and federally funded program that provides medical services under Title XIX of the Federal Social Security Act.

**"Medical assistance"** means both Medicaid and medical care services.

**"Medicare Savings programs"** means the programs described in WAC 388-517-0300 that help a client pay some of the costs that Medicare does not cover.

**"Property":**

(1) **"Personal property"** means any property that is not classified as real, title, or trust property in the definitions provided here;

(2) **"Real property"** means land and anything growing on, attached to, or erected thereon;

(3) "Title property" means, for the purposes of this chapter only, property with a title such as motor homes, mobile homes, boats, motorcycles, and vehicles.

(4) "Trust property" means any type of property interest titled in, or held by, a trustee for the benefit of another person or entity.

"State-only funded long-term care" means the long-term care services that are (~~paid only~~) financed with state funds only.

(~~"Medical assistance" means the federal aid medical care program provided under Title XIX of the Federal Social Security Act.~~)

AMENDATORY SECTION (Amending WSR 99-11-076, filed 5/18/99, effective 6/18/99)

**WAC 388-527-2733** (~~(No)~~) Estate liability (~~(for medical care)~~). (1) The client's estate is not liable for services provided before July 26, 1987.

(2) The client's estate is not liable when the client died before July 1, 1994 and on the date of death there was:

- (a) A surviving spouse; or
- (b) A surviving child who was either:
  - (i) Under twenty-one years of age; or
  - (ii) Blind or disabled as defined under chapter 388-511 WAC.

(3) The estate of a frail elder or vulnerable adult under RCW (~~74.34.010~~) 74.34.005 is not liable for the cost of adult protective services (APS) (~~paid for only by~~) financed with state funds only.

(4) The client's estate is not liable for amounts paid for Medicare premiums and other cost-sharing expenses incurred on behalf of a client who is eligible only for the Medicare Savings programs, and not otherwise Medicaid eligible.

AMENDATORY SECTION (Amending WSR 99-11-076, filed 5/18/99, effective 6/18/99)

**WAC 388-527-2740** Age when recovery applies. The client's age and the date when services were received (~~determine~~) determine whether the client's estate is liable for the cost of medical (~~care~~) services provided. Subsection (1) of this section covers liability for (~~medical assistance~~) Medicaid services and subsection (2) covers liability for state-only funded long-term care services. An estate may be liable under both subsections.

(1) For a client who on July 1, 1994 was:

(a) Age sixty-five or older, the client's estate is liable for (~~medical assistance that was~~) Medicaid services that were subject to recovery and (~~which was~~) provided on and after the date the client became age sixty-five or after July 26, 1987, whichever is later;

(b) Age fifty-five through sixty-four years of age, the client's estate is liable for (~~medical assistance that was~~) Medicaid services that were subject to recovery and (~~which was~~) provided on and after July 1, 1994; or

(c) Under age fifty-five, the client's estate is liable for (~~medical assistance~~) Medicaid services that were subject to recovery and provided on and after the date the client became age fifty-five.

(2) Regardless of the client's age when the services were provided, the client's estate is liable for state-only funded long-term care services provided to:

(a) Home and community services' clients on and after July 1, 1995 (~~regardless of the client's age when the services were provided~~); and

(b) Division of developmental disabilities' clients on and after June 1, 2004.

AMENDATORY SECTION (Amending WSR 99-11-076, filed 5/18/99, effective 6/18/99)

**WAC 388-527-2742** Services subject to recovery. The medical services the client received and the dates when services were provided determines whether the client's estate is liable for the cost of medical (~~care~~) services provided. Subsection (1) of this section covers liability for (~~medical assistance~~) Medicaid services and subsection (2) covers liability for state-only funded long-term care services. An estate can be liable under both subsections.

(1) The client's estate is liable for:

(a) All (~~medical assistance~~) Medicaid services provided from July 26, 1987 through June 30, 1994;

(b) The following (~~medical assistance~~) Medicaid services provided after June 30, 1994 and before July 1, 1995:

- (i) Nursing facility services;
- (ii) Home and community-based services; and
- (iii) Hospital and prescription drug services provided to a client while receiving nursing facility services or home and community-based services.

(c) The following (~~medical assistance~~) Medicaid services provided after June 30, 1995 and before June 1, 2004:

- (i) Nursing facility services;
- (ii) Home and community-based services;
- (iii) Adult day health;
- (iv) Medicaid personal care;
- (v) Private duty nursing administered by the aging and (~~adult~~) disability services administration of the department; and

(vi) Hospital and prescription drug services provided to a client while receiving services described under (c)(i), (ii), (iii), (iv), or (v) of this subsection.

(d) The following services provided after May 1, 2004:

- (i) All Medicaid services;
- (ii) Medicare savings programs services for individuals also receiving Medicaid;
- (iii) Medicare premiums only for individuals also receiving Medicaid; and
- (iv) Premium payments to managed care organizations.

(2) The client's estate is liable for all state-only funded long-term care services and related hospital and prescription drug services provided (~~after June 30, 1995~~) to:

(a) Home and community services' clients on and after July 1, 1995; and

(b) Division of developmental disabilities' clients on and after June 1, 2004.

**AMENDATORY SECTION** (Amending WSR 01-02-076, filed 12/29/00, effective 1/29/01)

**WAC 388-527-2750 Waiver of recovery if undue hardship.** Recovery is waived under this section when recovery would cause an undue hardship, except as provided in subsection (3) of this section. This waiver is limited to the period during which undue hardship exists.

(1) Undue hardship exists when:

(a) The estate subject to adjustment or recovery is the sole income-producing asset of one or more of the heirs and income is limited; or

(b) ~~((Recovery would result in the impoverishment of one or more of the heirs; or~~

(e)) Recovery would deprive an heir of shelter and the heir lacks the financial means to obtain and maintain alternative shelter.

(2) Undue hardship does not exist when:

(a) The adjustment or recovery of the client's cost of assistance would merely cause the client's family members inconvenience or restrict the family's lifestyle.

(b) The heir divests assets to qualify under the undue hardship provision.

(3) When a deceased client's assets were disregarded in connection with a long-term care insurance policy or contract under chapter 48.85 RCW, recovery is not waived.

(4) When a waiver is not granted, the department will provide notice to the person who requested the waiver. The denial of a waiver must state:

(a) The requirements of an application for an adjudicative proceeding to contest the department's decision to deny the waiver; and

(b) Where assistance may be obtained to make such application.

(5) A person may contest the department's decision in an adjudicative proceeding when that person requested the department waive recovery, and suffered a loss because that request was not granted.

(6) An application for an adjudicative proceeding under this section must:

(a) Be in writing;

(b) State the basis for contesting the department's denial of the request to waive recovery;

(c) Include a copy of the department's denial of the request to waive recovery;

(d) Be signed by the applicant and include the applicant's address and telephone number;

(e) Be served on the office of financial recovery (OFR) within twenty-eight days of the date the applicant received the department's decision denying the request for a waiver. If the applicant shows good cause, the application may be filed up to thirty days late; and

(f) Be served on ~~((the office of financial recovery~~ (f))OFR(3)) as described in WAC 388-527-2795.

(7) An adjudicative proceeding held under this section ~~((shall be))~~ are governed by chapters 34.05 RCW and 388-02 WAC and this section. If a provision in this section conflicts with a provision in chapter 388-02 WAC, the provision in this section governs.

**AMENDATORY SECTION** (Amending WSR 99-11-076, filed 5/18/99, effective 6/18/99)

**WAC 388-527-2754 Assets not subject to recovery and other limits on recovery.** (1) Recovery does not apply to the first fifty thousand dollars of the estate value at the time of death and is limited to thirty-five percent of the remaining value of the estate for services the client:

(a) Received before July 25, 1993; and

(b) When the client died with:

(i) No surviving spouse;

(ii) No surviving child who is:

(A) Under twenty-one years of age;

(B) Blind; or

(C) Disabled.

(iii) A surviving child who is twenty-one years of age or older.

(2) For services received after July 24, 1993, all services recoverable under WAC 388-527-2742 will be recovered, even from the first fifty thousand dollars of estate value that is exempt above, except as set forth in ~~((subsection))~~ subsections (3) through (8) of this section.

(3) For a client who received services after July 24, 1993 and before July 1, 1994, the following property, up to a combined fair market value of two thousand dollars, is not recovered from the estate of the client:

(a) Family heirlooms((:));

(b) Collectibles((:));

(c) Antiques((:));

(d) Papers((:));

(e) Jewelry((:));

(f) Photos((:)); and

(g) Other personal effects of the deceased client and to which a surviving child is entitled.

(4) Certain properties belonging to American Indians/Alaska Natives are exempt from Medicaid estate recovery if at the time of death:

(a) The deceased client was enrolled in a federally recognized tribe; and

(b) The estate or heir documents the deceased client's ownership interest in trust or nontrust real property and improvements located on a reservation, near a reservation as designated and approved by the Bureau of Indian Affairs of the U.S. Department of the Interior, or located:

(i) Within the most recent boundaries of a prior federal reservation; or

(ii) Within the Contract Health Service Delivery Area boundary for social services provided by the deceased client's tribe to its enrolled members.

(5) Protection of trust and nontrust property under subsection (4) is limited to circumstances when the real property and improvements pass from an Indian (as defined in 25 U.S.C. Chapter 17, Sec. 1452(b)) to one or more relatives (by blood, adoption, or marriage), including Indians not enrolled as members of a tribe and non-Indians, such as spouses and step-children, that their culture would nonetheless protect as family members, to a tribe or tribal organization and/or to one or more Indians.

(6) Certain AI/AN income and resources (such as interests in and income derived from tribal land and other resources currently held in trust status and judgment funds

from the Indian Claims Commission and the U.S. Claims Court) are exempt from Medicaid estate recovery by other laws and regulations.

(7) Tribal artifacts held by individual Native Americans or Alaska Natives including, but not limited to, traditional regalia, basketry and pottery, and treaty-related fishing equipment are exempt from Medicaid estate recovery.

(8) Government reparation payments specifically excluded by federal law in determining eligibility are exempt from Medicaid estate recovery as long as such funds have been kept segregated and not commingled with other countable resources and remain identifiable.

**AMENDATORY SECTION** (Amending WSR 01-02-076, filed 12/29/00, effective 1/29/01)

**WAC 388-527-2790 Filing a lien against real property.** (1) ~~(Liens are filed, adjustment sought)~~ The department files liens, seeks adjustments, and effects other recoveries (effected by the department) for the cost of medical assistance or state-only funded long-term care services, or both, correctly paid on behalf of a client consistent with 42 U.S.C. 1396p and chapters 43.20B RCW and 388-527 WAC.

(2) When the department seeks to recover from a client's estate the cost of medical assistance or state-only funded long-term care services, or both, provided to the client, prior to filing a lien against the deceased client's real property, notice shall be given to:

- (a) The probate estate's personal representative, if any; or
- (b) Any other person known to have title to the affected property.

(3) Prior to filing a lien against any of the deceased client's real or titled property, a person known to have title to the property ~~((shall))~~ will be notified and have an opportunity for an adjudicative proceeding as follows:

(a) Any person known to have title to the property ~~((shall))~~ will be served with a notice of intent to file lien, which ~~((shall))~~ will state:

(i) The deceased client's name, social security number, if known, date of birth, and date of death;

(ii) The amount of medical assistance~~((;))~~ or state-only funded long-term care services, or both, correctly paid on behalf of the deceased client that the department seeks to recover;

(iii) The department's intent to file a lien against the deceased client's ~~((real))~~ property to recover the amount of medical assistance or state-only funded long-term care services, or both, correctly paid on behalf of the deceased client;

(iv) The county in which the ~~((real))~~ property is located; and

(v) The right of the person known to have title to the property to contest the department's decision to file a lien by applying for an adjudicative proceeding with the office of financial recovery (OFR).

(b) An adjudicative proceeding can determine whether:

(i) The amount of medical assistance or state-only funded long-term care services, or both, correctly paid on behalf of the deceased client alleged by the department's notice of intent to file a lien is correct; and

(ii) The deceased client had legal title to the ~~((real-))~~ property at the time of the client's death.

(4) An application for an adjudicative proceeding must:

(a) Be in writing;

(b) State the basis for contesting the department's notice of intent to file the lien;

(c) Be signed by the applicant and state the applicant's address and telephone number;

(d) Be served on ~~((;))~~OFR~~((;))~~ within twenty-eight days of the date the applicant received the department's notice of intent to file the lien. An application filed up to thirty days late may be treated as timely filed if the applicant shows good cause for filing late; and

(e) Be served on OFR as described in WAC 388-527-2795.

(5) Persons known to have title to the property ~~((shall))~~ will be notified of the time and place of the adjudicative proceeding by the department when it receives an application for the same.

(6) An adjudicative proceeding under this section ~~((shall be))~~ is governed by chapters 34.05 RCW and 388-02 WAC and this section. If a provision in this section conflicts with a provision in chapter 388-02 WAC, the provision in this section governs.

(7) If no known title holder requests an adjudicative proceeding, a lien ~~((shall))~~ will be filed by the department twenty-eight days after the date that the notice of intent to file the lien letter was mailed. The lien will be filed against the deceased client's real property in the amount of the correctly paid medical assistance or state-only funded long-term care services, or both.

(8) If an adjudicative proceeding is conducted in accordance with this regulation, when the final agency decision is issued, the department will file a lien against the deceased client's real property for the amount of the correctly paid medical assistance or state-only funded long-term care services, or both, as established by that final agency decision.

#### **NEW SECTION**

**WAC 388-527-2792 Interest assessed on past due debt.** (1) The recovery debt becomes past due and accrues interest at a rate of one percent per month beginning nine months after the earlier of:

(a) The filing of the department's creditor's claim in the probate of the deceased client's estate; or

(b) The recording of the department's lien against the property of the deceased client in the county where the property is located.

(2) The department may waive interest only if:

(a) Insufficient cash, accounts, or stock exist to satisfy the department's claim and no sales of estate property has occurred despite its continuous listing or marketing for sale in a commercially reasonable manner for a reasonable fair market value; or

(b) Suit filed in the probate of the deceased client's estate resulted in the filing of a lis pendens or order prohibiting the personal representative from selling the estate property; provided however, this section will not apply to such suit contesting the department's assessment of interest or claim for

reimbursement of medical assistance or state-only funded long-term care services debt.

**AMENDATORY SECTION** (Amending WSR 99-11-076, filed 5/18/99, effective 6/18/99)

**WAC 388-527-2795** Serving notices on office of financial recovery (OFR). Serving legal notice on the office of financial recovery (OFR) requires the notice to be served either:

~~(1) ((Legal service must be by personal service or certified mail, return receipt requested, to OFR at the address described in this section.~~

~~(2) The mailing address of the office of financial recovery is:~~

~~Office of Financial Recovery  
P.O. Box 9501  
Olympia, WA 98507-9501.~~

~~(3) The physical location of the office of financial recovery is:))~~ Personally at Blake Office Park, 4450 10th Avenue SE, Lacey, Washington; or

(2) By certified mail, return receipt requested, to Office of Financial Recovery, PO Box 9501, Olympia, WA 98507-9501.

**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 04-05-083**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Medical Assistance Administration)  
[Filed February 17, 2004, 4:40 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-15-124.

Title of Rule: Chapter 388-533 WAC, Maternity related services, amending WAC 388-533-0300 Enhanced benefits for pregnant women and repealing WAC 388-533-0350.

Maternity support services, new sections WAC 388-533-0310 Purpose, 388-533-0315 Definitions, 388-533-0320 Client eligibility, 388-533-0325 Provider requirements, 388-533-0330 Covered services, 388-533-0340 Noncovered services, and 388-533-0345 Reimbursement.

Infant case management, new sections WAC 388-533-0360 Purpose/scope, 388-533-0365 Definitions, 388-533-0370 Client eligibility, 388-533-0375 Provider requirements, 388-533-0380 Covered services, 388-533-0385 Noncovered services, and 388-533-0386 Reimbursement.

Childbirth education (CBE) classes, new section WAC 388-533-0390.

Purpose: The Medical Assistance Administration (MAA) is redesigning its maternity services and First Steps program to improve quality of services offered and to contain expenditure growth.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.09.760 through 74.09.910 (Maternity Care Access Act of 1989).

Summary: The proposed changes will:

- Merge the maternity support services and maternity case management programs;
- Establish rules for infant case management;
- Establish rules for childbirth education classes; and
- Reduce staffing requirement barriers for tribes and rural counties.

Reasons Supporting Proposal: These rules are needed to meet the requirements in the Maternity Care Access Act of 1989, that requires the Medical Assistance Administration to evaluate the maternity care access system to determine effectiveness and need for modification.

Name of Agency Personnel Responsible for Drafting: Wendy Boedigheimer, MAA, P.O. Box 45533, Olympia, WA 98504-5533, (360) 725-1306; Implementation and Enforcement: Diane Tiffany, MAA, P.O. Box 45530, Olympia, WA 98504-5530, (360) 725-1655.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose, Summary, and Reasons Supporting Proposal above.

Proposal Changes the Following Existing Rules: See Purpose, Summary, and Reasons Supporting Proposal above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The Medical Assistance Administration (MAA) has analyzed the proposed rule and concludes that the rule change does not impose additional costs or administrative burdens on MSS/ICM providers and will not place a more than minor impact on small businesses.

RCW 34.05.328 applies to this rule adoption. The proposed rule change meets the definition of a significant legislative rule. A determination of the probable costs and benefits is available from the person listed above.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on April 6, 2004, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by April 2, 2004, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., April 6, 2004.

Date of Intended Adoption: Not sooner than April 7, 2004.

February 11, 2004  
Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 04-06 issue of the Register.

PROPOSED

**WSR 04-05-084**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
[Filed February 17, 2004, 4:42 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-23-062.

Title of Rule: Minimum licensing requirements for child care centers, chapter 388-295 WAC.

Purpose: The following sections of chapter 388-295 WAC are being revised to correct errors made in the most recent rule filing, and to make other sections more clear: WAC 388-295-0020, 388-295-0060, 388-295-0070, 388-295-0090, 388-295-0100, 388-295-0110, 388-295-1070, 388-295-1110, 388-295-2010, 388-295-2090, 388-295-2100, 388-295-3010, 388-295-4010, 388-295-4100, 388-295-5030, 388-295-5150, 388-295-7010, 388-295-7040, and 388-295-7050.

Statutory Authority for Adoption: Chapters 74.12 and 74.15 RCW.

Statute Being Implemented: Chapters 74.12 and 74.15 RCW.

Summary: The rules are being revised to correct typographical and other errors and to provide more clarity to some rules.

Reasons Supporting Proposal: To provide clear, concise rules to licensed child care providers.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Carla Gira, Policy Unit Lead, 1009 College S.E., Lacey, WA 98504, (360) 413-3268.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: Rule: WAC 388-295-0020, to remove information regarding exempt providers; this information is in RCW 74.15.020(2), and does not need to be repeated in WAC.

Changes to the remaining sections in this filing are to correct typographical and other errors and provide clarity to the rules. See Purpose, Summary, and Reasons Supporting Proposal above.

Purpose and Effect: The rules are being revised to ensure the department provides accurate and clear rules to licensed child care providers.

Proposal Changes the Following Existing Rules: See Purpose and Explanation of Rule above. The proposed changes correct typographical and other errors and provide clarity to the rules and do not change the intent of the rules currently in effect.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules do not impose more than minor costs on small businesses. This rule revision does not contain any requirements that would result in an increase in costs to the licensed child care providers that are not already in the rules that are currently in effect. A small business economic impact statement is not required.

RCW 34.05.328 does not apply to this rule adoption. These rules do not meet the definition of "significant legislative rule" per RCW 34.05.328 (5)(c)(iii). The proposed rules clarify existing requirements and correct errors.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on April 6, 2004, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by April 1, 2004, phone (360) 664-6094, TTY (360) 664-6178, e-mail Fernaaax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernaaax@dshs.wa.gov, by 5:00 p.m., April 6, 2004.

Date of Intended Adoption: Not earlier than April 7, 2004.

February 10, 2004

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 04-06 issue of the Register.

**WSR 04-05-088**  
**PROPOSED RULES**  
**HORSE RACING COMMISSION**  
[Filed February 18, 2004, 8:09 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-21-078.

Title of Rule: WAC 260-40-100 Performance records.

Purpose: To establish in rule the minimum number of workouts required within a specific set of time periods for a horse to be eligible to run in a race.

Statutory Authority for Adoption: RCW 67.16.020.

Summary: The proposal establishes the minimum number of workouts a horse must have before the horse is eligible to run in a race.

Reasons Supporting Proposal: The proposal places into rule the minimum number of workouts the commission previously determines on an annual basis and also matches the national model rule.

Name of Agency Personnel Responsible for Drafting: Robert Lopez, 6326 Martin Way, Suite 209, Olympia, WA 98516, (360) 459-6462; Implementation and Enforcement: Robert Leichner, 6326 Martin Way, Suite 209, Olympia, WA 98516, (360) 459-6462.

Name of Proponent: Washington Horse Racing Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Currently WAC 260-40-100 requires the commission to annually, and prior to each race meet, set the minimum number of workouts required before a horse is eligible

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to run in a race. The proposal places these minimum workout requirements in rule. In addition, the minimum workouts contained in the proposal are based on the national model rule.

Proposal Changes the Following Existing Rules: Amends WAC 260-40-100 by requiring that (1) a horse that has not run in an official or recognized race must first have participated in two official workouts, and at least one such workout must be held thirty days prior to race day; and (2) a horse that has not started in an official or recognized race for a period of sixty days or more must have a published or stewards approved workout thirty days prior to race day.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Auburn City Council Chambers, 25 West Main, Auburn, WA 98001, on April 8, 2004, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Patty Sorby at Washington Horse Racing Commission by April 7, 2004.

Submit Written Comments to: Robert M. Leichner, Executive Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, fax (360) 459-6461, by April 8, 2004.

Date of Intended Adoption: April 9, 2004.

February 13, 2004

R. M. Leichner  
Executive Secretary

**AMENDATORY SECTION** (Amending WSR 00-07-039, filed 3/6/00, effective 4/6/00)

**WAC 260-40-100 Performance records.** It is the intent of the commission that the public be provided with all relevant information regarding a horse's recent racing and workout record; Therefore:

(1) The owner/and or trainer of any horse which has started at a track not reported in the daily racing form or equibase since its last start at a recognized track, must furnish the racing secretary prior to the entry of such horse to any race in this state, performance records of said horse's races during the past year, or their last two starts, including published races, showing date, distance, finishing position and time. If such records are not provided, the horse will be ineligible to start.

(2) For thoroughbreds, a horse which wins a race at a Class C track within the state, shall not be penalized for such winnings in races run at any other meeting other than a Class C track. The maiden classification will be lost by winning a race at any track whose results are published in the daily racing form or equibase. A horse which wins a race at a track with results not reported in the daily racing form or equibase, outside this state, shall not be penalized for such winnings except at Class C tracks. For other breeds, all wins, including the maiden wins, shall be counted in considering eligibility at all racing association meets in the state of Washington if the win is recognized by the Arabian jockey club, the American quarter horse association, the appaloosa horse club, or other breed registry as authorized by the commission.

(3) Performance records for races which are not reported in the daily racing form and/or equibase shall be published in the official program of the racing association or posted and announced no later than the time that wagering opens for that day's racing. No horse may be permitted to enter in a race whose recent workouts have not been properly recorded with the commission.

(4) All wins shall be considered in eligibility requirements of horses running at Class C racing association meets.

(5) ~~((The commission shall designate, before each race meeting, the minimum workout requirements for said race meeting to ensure the integrity of the industry to the wagering public.))~~ A horse shall not start unless it has participated in an official or recognized race or has a published or stewards approved workouts, which meet the following criteria:

(a) A horse that has not run in an official or recognized race must have two official workouts, and at least one such workout must be held thirty days prior to race day.

(b) A horse that has not started in an official or recognized race for a period of sixty days or more must have a published or steward approved workout held thirty days prior to race day.

(6) The workout must have occurred at a parimutuel or commission recognized facility. The association may impose more stringent workout requirements. The trainer or trainer's designee shall be required to identify horse's registered name, the distance the horse is to be worked and the point on the track where the workout will start. A horse shall not be taken onto the track for training or a workout except during the hours designated by the association.

## WSR 04-05-097

### PROPOSED RULES

### DEPARTMENT OF LICENSING

[Filed February 18, 2004, 8:22 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-01-121.

Title of Rule: Chapter 308-420 WAC, regulating camping resorts, amending WAC 308-420-200 Salesperson registrations.

Purpose: To streamline department processes and to eliminate the need for a license to be printed.

Statutory Authority for Adoption: RCW 19.105.530, 43.24.023.

Statute Being Implemented: RCW 19.105.530.

Summary: WAC 308-420-200(5), upon the termination of employment of a camping resort salesperson the camping resort must provide the department a written notice within ten days of termination instead of being required to return the license. WAC 308-420-200(6) strikes the requirement for the posting of the salesperson registration.

Reasons Supporting Proposal: The amended rules will streamline department processes and eliminate the need for a license to be printed. New technology allows the public and licensees to access the web for the most current license status.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Randy Renfrow, 405

Black Lake Boulevard, Building 2, Olympia, WA 98502, (360) 664-6646.

Name of Proponent: Department of Licensing, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 308-420-200(5), upon the termination of employment of a camping resort salesperson the camping resort must provide the department a written notice within ten days of termination instead of being required to return the license. WAC 308-420-200(6) strikes the requirement for the posting of the salesperson registration.

Proposal Changes the Following Existing Rules: WAC 308-420-200(5), upon the termination of employment of a camping resort salesperson the camping resort must provide the department a written notice within ten days of termination instead of being required to return the license.

WAC 308-420-200(6) strikes the requirement for the posting of the salesperson registration.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There will not be a burden on the industry due to increased fees or increased workloads.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Licensing, Business and Professions Division, 405 Black Lake Boulevard, Building 2, Conference Room 201, Olympia, WA 98502, on March 23, 2004, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Randy Renfrow by March 22, 2004, TDD (360) 664-8885 or (360) 664-6646.

Submit Written Comments to: Randy Renfrow, Camping Resorts, P.O. Box 9026, Olympia, WA 98507-9026, fax (360) 570-4956, by March 22, 2004.

Date of Intended Adoption: March 24, 2004.

February 17, 2004

Trudie Touchette  
Administrator

**AMENDATORY SECTION** (Amending WSR 03-03-054, filed 1/13/03, effective 2/13/03)

**WAC 308-420-200 Salesperson registrations.** (1) Each applicant for registration as a camping resort salesperson shall register on a form prescribed by the agency and pay a filing fee as provided by the director.

(2) Registration as a camping resort salesperson shall be renewed annually or at the time the salesperson obtains employment by a camping resort operator subsequent to a termination of an employment by a camping resort operator, by the filing of a form prescribed by the agency and payment of the proscribed fee.

(3) The following information shall be provided on the original application or renewal of a camping resort salesperson's registration:

(a) A copy of any criminal conviction, including a guilty plea, within the last ten years, or any conviction that resulted in the applicant having to register as a sex offender regardless of whether the conviction is over ten years old.

(b) A copy of any civil or administrative judgment or order involving dishonesty, fraud, or violation of any act designed to protect consumers that names the applicant as a party.

(4) Upon the occurrence of any material change in the information contained in the registrant's file, each salesperson registrant shall promptly file with the agency an amendment to the salesperson registration file stating the change(s). The following shall be material changes requiring notice to the agency:

No later than twenty business days, upon being named a defendant or a party in any administrative, civil or criminal proceeding, the salesperson applicant shall promptly provide to the agency a notice of the proceeding and a copy of the complaint.

(5) Each operator of a camping resort whose camping resort contracts are registered with the agency, shall upon the termination of employment of a camping resort salesperson provide the department ~~((with))~~ within ten days, a written notice of termination ~~((and to return to the department the salesperson registration within ten days of the termination))~~.

~~(6) ((The operator is responsible for posting the salesperson registration visible to the public on the premises where the salesperson is employed.~~

~~(7))~~ As a condition of continued registration the salesperson registrant shall comply with the following:

(a) During the entire term of the registration the registrant is to be employed or engaged by an operator that is registered with the agency as an offeror of camping resort contracts, and the salesperson shall be offering contracts on behalf of or in the employment of such operator-registrant. Upon termination of employment with a registered camping resort operator, the salesperson registration is deemed to have expired.

(b) The salesperson shall cooperate fully with the agency in any investigation of alleged violations by the registrant, salesperson, or others, of the Camping Resort Act or these rules.

(c) It shall not be represented to any prospective purchaser that there is any form of a membership resale program for membership contracts being offered by the operator of the camping resort unless the same be true.

~~((8))~~ (7) Applications for registration or renewal that are for any reason defective or that are not legible shall be returned and the application shall be deemed not filed until the form is received by the agency with the deficiencies corrected.

~~((9))~~ (8) An application for renewal of a salesperson registration not filed in a timely manner or not received or acted upon by the agency prior to the expiration date shall be deemed by the agency as having expired. The salesperson must thereafter register as a new applicant for registration. Salespersons who have failed to make timely renewal applications shall not engage in camping resort activities. It is the salesperson's responsibility to secure the necessary forms and renew a registration in a timely manner. The agency shall not be responsible for applications lost in the mail or not timely received for other reasons.

WSR 04-05-098  
PROPOSED RULES  
DEPARTMENT OF LICENSING  
[Filed February 18, 2004, 8:24 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-01-122.

Title of Rule: Chapter 308-127 WAC, regulating timeshares, amending WAC 308-127-140 Expiration and renewal of timeshare offering registration, 308-127-160 Fees, and 308-127-225 Original application, renewal, termination, and fees for a timeshare salesperson registration.

Purpose: To streamline department processes and to eliminate the need for a license to be printed.

Statutory Authority for Adoption: RCW 64.36.270, 43.24.023.

Statute Being Implemented: RCW 64.36.270.

Summary: The amended rules remove any reference to a license being printed, required, or returned.

Reasons Supporting Proposal: The amended rules will streamline department processes and eliminate the need for a license to be printed. New technology allows the public and licensees to access the web for the most current license status.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Randy Renfrow, 405 Black Lake Boulevard, Building 2, Olympia, WA 98502, (360) 664-6632.

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: The amended rules remove any reference to a license being printed, required, or returned. Eliminates the need for a printed license and streamlines department processes. Licensees and the public are able to access the website to check the most current license status.

Proposal Changes the Following Existing Rules: The amended rules remove any reference to a license being printed, required, or returned.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There will not be a burden on the industry due to increased fees or increased workloads.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Licensing, Business and Professions Division, 405 Black Lake Boulevard, Building 2, Conference Room 201, Olympia, WA 98502, on March 23, 2004, at 10:30 a.m.

Assistance for Persons with Disabilities: Contact Randy Renfrow by March 22, 2004, TDD (360) 664-8885 or (360) 664-6632.

Submit Written Comments to: Randy Renfrow, Timeshares, P.O. Box 9026, Olympia, WA 98507-9026, fax (360) 570-4956, by March 22, 2004.

Date of Intended Adoption: March 24, 2004.

February 17, 2004  
Trudie Touchette  
Administrator

AMENDATORY SECTION (Amending WSR 90-07-023, filed 3/14/90, effective 4/14/90)

**WAC 308-127-140 Expiration and renewal of time-share offering registration.** A timeshare offering registration shall expire one year from the date of (~~issuance of the~~) approval for registration, or at the time the promoter sells the total number of intervals registered as available to be sold to persons residing in the state of Washington, whichever event occurs first. To continue offering the timeshare project in this state, a promoter shall file for renewal of its timeshare offering registration no later than thirty days prior to expiration of the registration. Failure to renew within six months after the renewal date shall result in the termination of the registration and all fees for an original application for registration shall apply.

AMENDATORY SECTION (Amending WSR 02-15-169, filed 7/23/02, effective 1/1/03)

**WAC 308-127-160 Fees.** The following fees shall be charged under the authority of RCW 64.36.081 and 43.24.-086:

- (1) Registration application fees:
  - Start up timeshare program including one project. \$1500.00
  - Each additional project in program. 500.00
  - Each apartment unit in program. 50.00
  - The first unit of personal property in the timeshare program. 1000.00
  - Each additional unit of personal property in the timeshare program. 100.00
  - Businesses of listing or brokering resale intervals. 500.00
- (2) Interval Fees:
  - For each interval through one thousand. 1.00
  - Intervals beyond one thousand. 0.00
  - Each monthly filing of listings of resale intervals (in lieu of interval fees for resale intervals). 10.00
- (3) Renewal fees:
  - Timeshare program including one project. 1000.00
  - Late renewal fee for timeshare program. 2000.00
  - Each additional project to a maximum of five projects. 350.00
  - Each apartment unit - to maximum of twenty-five apartment units. 50.00

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(4) Consolidation fees:	
Each additional project added.	500.00
Each additional apartment unit.	50.00
The first additional unit of personal property being consolidated.	500.00
Each additional unit of personal property added in one consolidation.	100.00
(5) Exemption fees:	
Programs consisting of a single apartment unit in a single project with fifty-two or fewer intervals.	250.00
All other types of programs.	1000.00
(6) Impound fees:	
Initial establishment of an impound, escrow, trust, or other arrangement requiring a depository.	500.00
Each required periodic report.	50.00
(7) Advertising fees:	
Each initial submission of advertisement whether or not submitted in a timely manner, and whether or not in use at the time of payment.	100.00
Examination of advertisement which are for the purpose of marketing surveys and not involving an examination of project or program instruments.	150.00
(8) Fees for persons in the business of offering commercial promotional programs:	
Registration of individual.	500.00
(9) Salespersons fees:	
Registration.	50.00
Renewal.	50.00
Transfer.	50.00
((Duplicate license.	25.00))
(10) Fees for amendment of registration:	
For a timely submission of an amendment filing.	50.00

Penalty fee for failure to file an amendment within twenty days of the occurrence of a materially adverse change. 500.00

(11) Inspection fees:  
 Applicants and registrants shall pay the cost of inspections conducted pursuant to chapter 64.36 RCW. The inspection fees shall be paid prior to the granting of a registration or consolidation. The inspection fee shall be the actual cost to the department for conducting of the inspection.

**AMENDATORY SECTION** (Amending WSR 90-07-023, filed 3/14/90, effective 4/14/90)

**WAC 308-127-225 Original application, renewal, termination, and fees for a timeshare salesperson registration.** (1) An individual shall apply for registration as a timeshare salesperson on a form prescribed by the agency. The registration application for a timeshare salesperson shall identify the specific promoter responsible for the business activities of the salesperson and shall be valid for a period of one year (~~beginning on the issuance date printed on the registration~~).

(2) (~~The registration of a timeshare salesperson shall be retained at all times by the timeshare promoter.~~) When a timeshare salesperson ceases to be employed by a timeshare promoter the salesperson's registration shall be terminated. Written notice of this termination shall be given by the promoter to the director (~~and this notice shall be accompanied by the timeshare salesperson's registration~~). A terminated individual who desires to work for the same or another promoter shall apply for and receive registration as a timeshare salesperson before engaging in further timeshare sales activities.

(3) An individual may renew his timeshare salesperson registration for one year if the agency receives the individual's request and renewal fee on or before the expiration of the individual's existing registration. The effective date of the renewal shall be the anniversary date of the previous registration. If the registration is not renewed before the expiration date reregistration is required before timeshare sales activity may be continued.

(4) An application for registration or a renewal of registration is not complete unless it is accompanied by the proper fee. Payment of the fee with a check which is subsequently dishonored is a deficient application. Upon notification to the promoter by the agency, the promoter shall (~~return the registration and~~) cease employment of the applicant as a timeshare salesperson.

**WSR 04-05-099**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 [Filed February 18, 2004, 8:26 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-01-079.

Title of Rule: Predatory birds and possession and release of live wildlife rules.

Purpose: Possession and release of rock doves and housekeeping changes.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: These rule changes are based on a petition to include rock dove (domestic pigeon) as predatory birds and allow use of these birds for bird dog training.

Reasons Supporting Proposal: Rock doves, an introduced species, are currently not classified and fall into protected wildlife status by default. Such protection is not warranted.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, (360) 902-2930; Implementation: Dave Britnell, Natural Resources Building, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Natural Resources Building, Olympia, (360) 902-2932.

Name of Proponent: 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: The department received a petition to classify rock doves as predatory birds, and allow use of these birds for bird dog training. In reviewing the rules on predatory birds and the possession and release of live wildlife, it became apparent that housekeeping changes were necessary. Thus, these rules: (1) Classify rock dove as a predatory bird; (2) create a new predatory bird section clarifying hunting requirements; (3) clarify what wildlife may be possessed live (allowing possession of unclassified marine invertebrates and fish, and updating cervid possession rules); and (4) clarify when a permit is needed to release wildlife (exempting release of rock dove and release of fish and shellfish back to the waters of origin).

Proposal Changes the Following Existing Rules: Amend classification, possession and release of wildlife rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule proposal has no effect on existing small businesses. No one currently captures rock dove for the bird dog training market, and the elk and caribou rule updates do not have any effect on possession of such animals. Other changes, such as possession of live unclassified marine life and release of live fish and shellfish which are wildlife affect only recreational harvesters.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Red Lion Hotel, 303 West North River Drive, Spokane, WA, on April 2-3, 2004, begins at 8:00 a.m., April 2, 2004.

Assistance for Persons with Disabilities: Contact Susan Yeager by March 19, 2004, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by March 26, 2004.

Date of Intended Adoption: April 2, 2004.

February 17, 2004

Evan Jacoby

Rules Coordinator

PROPOSED

AMENDATORY SECTION (Amending Order 01-69, filed 4/26/01, effective 5/27/01)

**WAC 232-12-004 Classification of wild birds. (1)**  
 Game birds include:

Common Name	Scientific Name
migratory waterfowl	Anatidae
wild turkey	<i>Meleagris gallopavo</i>
blue grouse	<i>Falcapennis obscurus</i>
spruce grouse	<i>Dendragapus canadensis</i>
ruffed grouse	<i>Bonasa umbellus</i>
"Forest grouse" means blue, spruce, or ruffed grouse	
sharp-tailed grouse	<i>Tympanuchus phasianellus</i>
greater sage-grouse	<i>Centrocercus urophasianus</i>
white-tailed ptarmigan	<i>Lagopus leucurus</i>
California quail	<i>Callipepla californica</i>
mountain quail	<i>Oreortyx pictus</i>
northern bobwhite	<i>Colinus virginianus</i>
scaled quail	<i>Callipepla squamata</i>
chukar	<i>Alectoris chukar</i>
ring-necked pheasant	<i>Phasianus colchicus</i>
Gray (Hungarian) partridge	<i>Perdix perdix</i>
"Upland bird" means quail, chukar, pheasant, or partridge	
American coot	<i>Fulica americana</i>
common snipe	<i>Gallinago gallinago</i>
band-tailed pigeon	<i>Columba fasciata</i>
mourning dove	<i>Zenaida macroura</i>

(2) Predatory birds include:

Common Name	Scientific Name
black-billed magpie	<i>Pica hudsonia</i>
American crow	<i>Corvus brachyrhynchos</i>
European starling	<i>Sturnus vulgaris</i>
house (English) sparrow	<i>Passer domesticus</i>
<u>rock dove</u>	<u><i>Columba livia</i></u>

NEW SECTION

**WAC 232-12-005 Predatory birds. (1) HUNTING PREDATORY BIRDS:**

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(a) It is unlawful to hunt for or take predatory birds without a hunting license except as allowed under RCW 77.36.-030.

(b) Crows and magpies: It is lawful to take crows during established hunting seasons and crows or magpies when found committing or about to commit depredations upon ornamental or shade trees, agricultural crops, livestock, or wildlife, or when concentrated in such numbers and manner as to constitute a health hazard or other nuisance provided that none of the birds, or their plumage, be offered for sale.

(2) SALE OF PREDATORY BIRDS: It is lawful to sell starlings, house sparrows and rock doves for the purposes of falconry and lawful to sell rock doves for the purposes of bird dog training.

(3) POSSESSION OF PREDATORY BIRDS: It is lawful to take from the wild and possess live starlings, house sparrows and rock doves for purposes of falconry and rock doves for purposes of bird dog training.

(4) RELEASE OF LIVE PREDATORY BIRDS: It is lawful, without a permit, to release rock doves for the purposes of bird dog training or falconry.

**AMENDATORY SECTION** (Amending Order 96-135, filed 8/30/96, effective 9/30/96)

**WAC 232-12-064 Live wildlife.** Taking from the wild, importation, possession, transfer, holding in captivity.

(1) It is unlawful to take live wildlife (except unclassified marine invertebrates and fish), wild birds (except starlings (~~and~~), house sparrows and rock dove by falconers, and rock dove by bird dog trainers), or game fish from the wild without a permit provided for by rule of the commission and issued by the director.

(2) Notwithstanding the provisions of WAC 232-12-027(1), 232-12-067 and subsections (3) and (4) herein, it is unlawful to import into the state, hold, possess, propagate, offer for sale, sell, transfer, or release live specimens of wildlife listed in this subsection, their gametes and/or embryo, except as provided under subsections (7), (8), (9) or (10) below:

In the family Cervidae, all of the following species:

Roosevelt and Rocky Mountain elk	Cervus elaphus
Mule deer and Black-tailed deer	Odocoileus hemionus
White-tailed deer	Odocoileus virginianus
Moose	Alces alces
Caribou	Rangifer tarandus caribou

(3) It is unlawful to import into the state or to hold live wildlife which were taken, held, possessed or transported contrary to federal or state law, local ordinance or department rule. Live wild animals, wild birds or game fish shall not be imported without first presenting to the department the health certificate required by the Washington State Department of Agriculture under WAC 16-54-030. Notwithstanding the provisions of this subsection, raptors used for falconry or propagation may be imported if the health certificate is in the possession of the importer. Proof of lawful importation must be produced for inspection on request of a department employee.

(4) It is unlawful to possess or hold in captivity live wild animals, wild birds, or game fish unless lawfully acquired and possessed. Proof of lawful acquisition and possession must be produced for inspection on request of a department employee. Such proof shall contain: (1) Species; (2) age and sex of animal; (3) origin of animal; (4) name of receiving party; (5) source-name and address; (6) invoice/statement date; and (7) documentation of prior transfers.

(5) Live wild animals, wild birds or game fish held in captivity or their progeny or parts thereof may not be sold or otherwise commercialized on except as provided by rule of the commission.

(6) No wildlife shall be released from captivity except as provided in WAC 232-12-271, except that it is lawful to return to the waters from which caught, game fish caught and subsequently kept alive on stringers, in live wells or other containers while fishing. The release of fish into any waters of the state, including private, natural or man-made ponds requires a fish planting permit.

(7) Scientific research or display: The director may authorize, by written approval, a person to import into the state, hold, possess and propagate live specimens of wildlife listed in subsection (2) for scientific research or for display by zoos or aquariums who are accredited institutional members of the American Association of Zoological Parks and Aquariums (AAZPA) provided:

(a) The specimens are confined to a secure facility,

(b) The specimens will not be transferred to any other location within the state, except to other AAZPA accredited facilities and transported by AAZPA accredited institutional members or their authorized agents with written approval of the director or as otherwise authorized in writing by the director,

(c) The specimens will not be sold or otherwise disposed of within the state without written approval of the director,

(d) The person will keep such records on the specimens and make such reports as the director may require, and

(e) The person complies with the other requirements of this section.

(8) Retention or disposal of existing specimens lawfully in captivity prior to June 20, 1992: A person holding live (~~specimens of wildlife listed in subsection (2) by operation of emergency rule filed June 19, 1992 [in the family Cervidae, all of the following species:]~~) Roosevelt and Rocky Mountain elk (~~(Cervus elaphus);~~), Mule Deer and Black-tailed deer (~~(Odocoileus hemionus);~~), White-tailed deer (~~(Odocoileus virginianus);~~) and Moose (~~(Alces alces);~~) may retain the specimens of such wildlife such person lawfully possessed prior to June 20, 1992 and the lawful progeny thereof provided such person complies with (~~subsections (8))~~) (a) through (~~(8))~~(f) (~~hereunder~~) of this subsection and the other requirements of this section.

(a) The person reported to the director in writing the species, number and location of the specimens as required.

(b) The specimens are confined to a secure facility at the location reported,

(c) Live specimens are not propagated except at AAZPA accredited facilities with the written permission of the director or as otherwise authorized in writing by the director;

(d) Live specimens are not released, except with written permission of the director,

(e) Live specimens are not sold or transferred except:

(i) Live specimens in lawful possession prior to June 20, 1992 and lawful progeny may be permanently removed from the state of Washington or transported directly to slaughter where in accordance with other applicable law,

(ii) Federally listed endangered or threatened species may be transferred to AAZPA accredited facilities where in compliance with federal law,

(iii) Live specimens may be moved to the new primary residence of the possessor with the written approval of the director, provided all other requirements of this section are satisfied and the total number of locations where animals are held is not increased;

(iv) AAZPA facilities may sell and/or transfer live specimens within the state with the written permission of the director.

(f) Live specimens shall be neutered, physically separated by sex, and/or rendered infertile by means of contraception, except at AAZPA accredited facilities with the written permission of the director.

(9) Retention or disposal of existing specimens lawfully in captivity prior to February 13, 1993: A person holding live ~~((specimens of wildlife newly listed in subsection (2) by operation of this rule-))~~ Caribou ~~((Rangifer tarandus caribou))~~, may retain the ~~((specimens of such wildlife the))~~ caribou that the person lawfully possessed prior to February 13, 1993, provided:

(a) The person reports to the director in writing ~~((by March 31, 1993, and reports))~~ annually ~~((thereafter))~~, or as otherwise required by the director, the species, number, and location of ~~((such specimens,))~~ the caribou.

(b) The person complies with subsection ~~((s))~~ (8)(b) through ~~((8))~~(f) ~~((herein))~~ of this section and the other requirements of this section.

(10) The provisions of this section shall not prohibit the importation, possession, propagation, sale, transfer, or release of live specimens of federally listed threatened or endangered species, their gametes and/or embryo, where in compliance with federal law.

(11) Escaped wildlife:

(a) Escaped wildlife will be considered a public nuisance. The department or any peace officer may seize, capture, or destroy wildlife that have escaped the possessor's control. The former possessor shall be responsible for costs incurred by the department in recovering, maintaining, or disposing of such animals, as well as any damage to the state's wildlife or habitat.

(b) Escapes of wildlife must be reported immediately to the department,

(c) The recapture or death of escaped wildlife must be reported immediately to the department.

(12) Secure facility:

(a) All captive wildlife will be held in a secure facility. For the purpose of this rule, a secure facility is an enclosure so constructed as to prevent danger to the environment or wildlife of the state, including escape of live wildlife specimens in captivity or ingress of resident wildlife ungulates (hoofed animals).

(b) For wildlife listed in subsection (2), the secure facility must comply with the fencing requirements in subsection (13) herein.

(13) Fencing requirements

(a) Perimeter fences must be, at a minimum, eight feet above ground level for their entire length. The bottom six feet must be mesh of sufficient size to prevent resident wildlife ungulates (hoofed animals) from entering and captive wildlife from escaping. Supplemental wire required to attain a height of eight feet may be smooth, barbed, or woven wire (at least 12-1/2 gauge) with strands spaced not more than six inches apart.

(b) Perimeter fences constructed of high tensile wire must be supported by a post or stay at minimum intervals of eight feet.

(c) Perimeter fences must be at least 12-1/2 gauge woven wire, 14-1/2 gauge high-tensile woven wire, chain link, non-climbable woven fence, or other fence approved by the director.

~~((f))~~ If the wire used is not a full eight feet in height, it must be overlapped one row and securely fastened at every other vertical row or woven together with cable.

(d) Electric fencing materials may be used on perimeter fences only as a supplement to conventional fencing materials.

(e) All gates in the perimeter fences must be self-closing, equipped with two locking devices, and installed only in locations that have been approved by the director. Double gates may be required at points in the perimeter fences subject to frequent vehicle traffic that is not related to activities involving the holding of captive wildlife.

(f) Posts used in the perimeter fences must be:

(i) Wood (pressure treated), five-inch minimum diameter or an equivalent as approved by the director;

(ii) Spaced no more than twenty-four feet apart with stays or supports at eight foot intervals between the posts;

(iii) Extended at least eight feet above ground level;

(iv) Corners braced with wood or with an equivalent material as approved by the director.

(g) Fences must be maintained at all times to prevent captive wildlife from escaping or resident wildlife ungulates (hoofed animals) from entering the enclosure. If such animals do pass through, under, or over the fence because of any topographic feature or other conditions, the person possessing wildlife must immediately supplement the fence to prevent continued passage.

(h) For any fence existing prior to February 13, 1993, a person may petition the director in writing for a variance from the above fencing requirements. Any such petition must be filed no later than May 31, 1993 and must identify all aspects in which the existing fence does not meet the fencing requirements contained herein. On approval of the director, such person may maintain such existing fence with normal repair. However, any extension or relocation of existing fence must meet the fencing requirements contained herein.

(14) Marking requirements

(a) All live specimens of wildlife identified in subsection (2) must be individually identified by the methods specified below:

(i) All live specimens of such wildlife shall be marked with USDA official ear tags or with ear tags supplied or approved by the department. Tags shall be applied in sequential order, and

(ii) All live specimens of such wildlife shall be marked with a tattoo with an identifying number that has been recorded with the director. The tattoo must be placed on the left ear of the animal.

(b) Identification assigned to an individual animal may not be transferred to any other animal.

(c) Where allowed, all lawful progeny of wildlife identified in subsection (2) must be tagged and tattooed by December 31 of the year of birth or upon leaving the holding facility, whichever is earlier.

(d) Where allowed, if wildlife identified in subsection (2) is sold or transferred within the state, the tag and tattoo must accompany the animal. The new owner or possessor shall not renumber the animal.

(e) Where allowed, live specimens of wildlife identified in subsection (2) shall be marked prior to importation.

(f) No unmarked wildlife identified in subsection (2) may be sold or otherwise transferred from the holding facility.

(15) Testing of specimens.

(a) Where allowed, prior to entry into the state of Washington, persons importing any member of the Genus *Cervus* which is identified in subsection (2) herein, must submit records of genetic tests, conducted by a professionally recognized laboratory to identify red deer genetic influence (genetic material from any member of any subspecies, race, or species of the elk-red deer-wapiti complex *Cervus elaphus* not indigenous to the state of Washington. Such testing shall be at the possessor's expense. Animals which are deemed by department of wildlife biologists upon examination to exhibit either: Behavioral (vocalization), morphological (size, rump patch, color) or biochemical indications of such influence (hemoglobin, superoxide dismutase, transferrin and post-transferrin, or others to be developed) may not be imported.

(b) A person currently holding any member of the genus *Cervus elaphus* identified in subsection (2) herein must submit records of genetic tests, conducted by a professionally recognized laboratory to identify red deer genetic influence (genetic material from any member of any subspecies, race, or species of the elk-red deer-wapiti complex *Cervus elaphus* not indigenous to the state of Washington), for each individual cervid to the director within 90 days of passage of this rule. Such testing shall be at the possessor's expense. Any animals identified as red deer or having nonindigenous genetic influence must be destroyed, removed from the state, or neutered within 180 days of passage of this rule.

(c) The director may require that specimens listed in subsection (2) lawfully in captivity be tested for brucellosis (*brucella abortus*), tuberculosis (*mycobacterium bovis* and *mycobacterium tuberculosis*), meningeal worm (*Paralophostromylus tenuis*), and muscle worm (*Elaphostromylus cervis*) in accordance with the procedures specified in department of agriculture WAC 16-54-035 as now or hereafter amended, and/or for other diseases or parasites determined to pose a risk to wildlife. The results of such tests shall be filed with the director as required.

(16) Reporting

(a) A person holding wildlife listed in subsection (2) in captivity shall submit a completed report no later than March 30, 1993 and then no later than January 31 of each year, or as otherwise required by the director, on a form provided by the department.

(b) Persons possessing wildlife listed in subsection (2) must notify the director within ten days of any change of such persons' address and/or location of the holding facility.

(17) Inspection

(a) All holding facilities for captive wildlife located in the state are subject to inspection for compliance with the provisions of this section.

(b) Such inspections may take place without warrant or prior notice but shall be conducted at reasonable times and locations.

(18) Notification and disposition of diseased animals.

(a) Any person who has reason to believe that wildlife being held pursuant to this rule have or have been exposed to a dangerous or communicable disease or parasite shall notify the department immediately.

(b) Upon having reason to believe that wildlife held pursuant to this rule have been exposed to or contracted a dangerous or contagious disease or parasite, the director may order inspection of such animals by a licensed, accredited veterinarian, certified fish pathologist, or inspection agent. Inspection shall be at the expense of the possessor.

(c) The director shall determine when destruction of wildlife, quarantine, disinfection, or sterilization of facilities is required at any facility holding wildlife pursuant to this rule. If the director determines that destruction of wildlife, quarantine, disinfection, or sterilization of facilities is required, a written order shall be issued to the possessor describing the procedure to be followed and the time period for carrying out such actions. Such activities shall be at the expense of the possessor.

(19) Quarantine area

(a) Any facility holding wildlife listed in subsection (2) must have an approved quarantine facility within its exterior boundary or submit an action plan to the director that guarantees access to an approved quarantine facility within the state of Washington.

(i) An approved quarantine facility is one that meets criteria set by the Washington state department of agriculture.

(ii) The quarantine area must meet the tests of isolation, separate feed and water, escape security, and allowances for the humane holding and care of its occupants for extended periods of time.

(b) Should the imposition of a quarantine become necessary, the possessor of any wildlife must provide an on-site quarantine facility or make arrangements at such possessor's expense to transport such wildlife to an approved quarantine facility.

(20) Seizure

(a) The department of wildlife may seize any unlawfully possessed wildlife.

(b) The cost of any seizure and/or holding of wildlife may be charged to the possessor of such animals.



**AMENDATORY SECTION** (Amending Order 01-69, filed 4/26/01, effective 5/27/01)

**WAC 232-12-271 Criteria for planting aquatic plants and releasing wildlife.** (1) Release by persons other than the director. It is unlawful for persons other than the director to plant aquatic plants or release any species, subspecies, or hybrids of animals which do not already exist in the wild in Washington. If such species, subspecies, or hybrid does already exist in the wild in Washington, it may be released within its established range by persons other than the director, but only after obtaining a permit from the director.

(a) Application for a permit must be made on a form provided by the department. It must be submitted at least thirty days prior to acquisition of the wildlife or aquatic plants intended for release or planting, and must provide all information indicated.

(b) Permits will only be issued if the director determines there will be no adverse impact on the wildlife or wildlife habitat of the state.

(c) Each permit shall require that at least thirty days prior to planting or release of wildlife or aquatic plants they must be made available for inspection by the director. It shall be the responsibility of the applicant to show that the wildlife will not pose a disease threat. If the director is not satisfied that the wildlife or aquatic plants do not pose a disease threat, they shall not be released or planted in the state. Director approval for release or planting may be withdrawn for cause.

(d) Each permit shall require that an applicant intending to release wildlife in the state shall report immediately to the director the outbreak of any disease among the wildlife intended to be released. If the director determines that such outbreak presents a threat to the wildlife of the state, the director may immediately order such action as necessary including quarantine or destruction of stock, sterilization of enclosures and facilities, cessation of activities, and disposal of wildlife in a manner satisfactory to the director.

(e) Each permit shall require that wildlife to be released shall not be branded, tattooed, tagged, fin clipped or otherwise marked for identification without approval of the director or as required in WAC 232-12-044.

(f) Legally acquired pheasant of the genus *Phasianus*; gray partridge of the genus *Perdix*; chukar of the genus *Alectoris*; quail of the genus *Callipepla* and *Colinus*; and mallards (*Anas platyrhynchos*) may be released without a permit for purposes of dog training, and hunting pursuant to WAC 232-12-044. Game birds of these species released for these purposes must be purchased from facilities that have been inspected by a certified veterinarian within the past twelve months. Rock dove may be released without permit for purposes of bird dog training.

(2) Release by the director. The director may plant aquatic plants or release animal species, subspecies, or hybrids which have been planted or released previously in Washington if they do not pose a disease threat and if planting or release will not cause adverse impact on the wildlife or wildlife habitat of the state. Before releasing any species, subspecies, or hybrid of animal not already existing in the wild in Washington, the director shall report to the commission on the planned release, stating the basis for determining that the planned release fulfills the criteria set forth herein.

The director may release nonnative species, subspecies, or hybrids not previously released in Washington only if the director in his or her sole discretion has determined that:

(a) There is no reasonable expectation of adverse impact on the wildlife or wildlife habitat of the state and there is an adequate plan for evaluating such impact following the release;

(b) The commission has classified the species, subspecies, or hybrids to be released pursuant to RCW 77.12.020;

(c) Suitable habitat is available;

(d) The nonnative species, subspecies, or hybrids to be released are free of exotic pathogens;

(e) The release serves the public interest.

(3) This section does not apply to release of classified or unclassified fish or shellfish by persons who have caught or taken the fish or shellfish, provided the fish or shellfish are released into the water or on the tidelands at the approximate location where taken, except that fishing contest participants may release fish at a contest-designated location in the same body of water from which the fish were taken.

**WSR 04-05-101**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**GENERAL ADMINISTRATION**

[Filed February 18, 2004, 8:31 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-16-103.

Title of Rule: Revising rules related to parking fees, permits, and enforcement on the state capitol grounds.

Purpose: To increase parking rates for general "zoned" spaces and for leased/reserved areas and/or stalls by \$5.00 per month to better cover the costs of providing parking spaces, structures, and services.

Other Identifying Information: The proposed rate change will apply only to state-owned parking spaces and facilities on the state capitol grounds. This proposal does not extend to parking spaces and facilities anywhere outside the state capitol grounds.

Statutory Authority for Adoption: RCW 43.19.011 (2)(d), 46.08.150, 46.08.172.

Statute Being Implemented: RCW 46.08.172.

Summary: General administration proposes to increase parking rates under WAC 236-12-290 (1)(b)(i) for general "zoned" spaces from \$15.00 per month to \$20.00 per month, and under WAC 236-12-290 (1)(b)(ii) for leased/reserved areas and/or stalls from \$20.00 per month to \$25.00 per month.

Reasons Supporting Proposal: Campus parking rates and regulations have not been adjusted in over a decade. The legislature has established a policy to reduce state subsidization of employee parking and that parking rates should take into account comparable private market rates for parking. Costs associated with provide parking spaces, structure, and services are not paid by current parking fees. General admin-

istration proposes to update rates to better reflect costs of providing parking spaces, structures, and services.

Name of Agency Personnel Responsible for Drafting: Andy Stepelton, General Administration, P.O. Box 41019, Olympia, WA 98504, (360) 902-0926; Implementation: Lenore Miller, General Administration, P.O. Box 41019, Olympia, WA 98504, (360) 902-0970; and Enforcement: Bill Moore, General Administration, P.O. Box 41019, Olympia, WA 98504, (360) 902-0951.

Name of Proponent: Department of General Administration, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The Washington State Patrol provides parking enforcement services to general administration.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The increased fees proposed under this rule will align parking rates for the eastern portion of the state capitol grounds with the western portions, which were raised by budget proviso two years ago. It shall provide funding for parking spaces, structural, and services costs not currently covered. Certain utility, maintenance, and enforcement costs are now fully assigned to the capitol campus parking operation but are not covered by current parking fees. Additionally, capital renewal projects for parking structures require additional parking fees to cover project costs. The proposed parking fee will result in an increase of \$5.00 per month to \$20.00 per month for general "zoned" parking, and an increase of \$5.00 per month to \$25.00 per month for leased/reserved areas and/or stalls. These changes will reduce state subsidization of employee parking.

Proposal Changes the Following Existing Rules: This proposal will amend WAC 236-12-290 (1)(b)(i) for general "zoned" parking, and WAC 236-12-290 (1)(b)(ii) for leased/reserved areas and/or stalls to increase rates by \$5.00 per month.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule change will impose no costs on business in an industry.

RCW 34.05.328 does not apply to this rule adoption. The proposed rule does not constitute a significant legislative rule as described in chapter 34.05 RCW.

Hearing Location: General Administration Building, 1st Floor Auditorium, 210 11th Street, Olympia, WA 98504, on March 24, 2004 at 5:30 p.m. to 7:30 p.m.; and on March 31, 2004, at 8:30 a.m. to 10:30 a.m.

Assistance for Persons with Disabilities: Contact Andy Stepelton by March 15, 2004, at (360) 902-0926, [astepel@ga.wa.gov](mailto:astepel@ga.wa.gov), TDD (360) 664-3799.

Submit Written Comments to: Andy Stepelton, Division of Facilities Planning and Management, Department of General Administration, P.O. Box 41019, Olympia, WA 98504-1019, (360) 902-0926, [astepel@ga.wa.gov](mailto:astepel@ga.wa.gov), fax (360) 586-5954; or Martin Casey, Rules Coordinator, Department of General Administration, P.O. Box 41000, Olympia, WA 98501-1000, by 5:00 p.m. on April 16, 2004.

Date of Intended Adoption: May 1, 2004.

February 17, 2004

R. D. Fukai

Executive Director

**AMENDATORY SECTION** (Amending WSR 92-04-037, filed 1/30/92, effective 3/1/92)

**WAC 236-12-290 Parking fees.** (1) The fees for rental parking shall be as follows:

PARKING USES	PARKING FEES
(a) Agency assigned uses (visitor, off-campus staff, state cars, etc.)	\$ 30.00
(b) Employee uses	
(i) General, "zoned"	\$ <del>((15.00))</del> 20.00
(ii) Leased/reserved areas and/or stalls	\$ <del>((20.00))</del> 25.00
(iii) Disabled employees	\$ 15.00
(c) Motorcycle, motor-driven cycle/moped uses	\$ 10.00
(d) Nonstate personnel uses (concession vendors, lobbyists, day care providers, press corps, etc.)	\$ 30.00
(e) Disabled visitor use	no charge
(f) Metered parking for visitor use	\$ .50 per hour

(g) No charge for carpools/vanpools to which permits have been issued in accordance with WAC 236-12-295.

(h) In addition to the permits issued under (a), (b), (c), (d), (e), (f), and (g) of this subsection, the department may issue other permits including but not limited to agency pre-paid monthly, service/delivery and temporary/daily permits; the department will establish a fee schedule for such permits other than permits issued under (a), (b), (c), (d), (e), (f), and (g) of this subsection, and will keep such fee schedule on file at 218 General Administration Building, P.O. Box 41000, Olympia, Washington 98504-1000 and will make it available to any person upon request.

(i) The director has authority to create reserved parking spaces/areas and to determine the rates for such parking; the director will establish a fee schedule for reserved parking spaces/areas and will keep such fee schedule on file at 218 General Administration Building, P.O. Box 41000, Olympia, Washington 98504-1000 and will make it available to any person upon request.

(2) In determining whether to adjust rental parking fees, the director will consider one or more of the following factors:

- (a) Parking facility costs;
- (b) Available commuting alternatives;
- (c) Change in the demand for parking facilities;
- (d) Transportation demand management requirements;
- (e) Market rates of comparable privately owned or leased property; and
- (f) Other circumstances as determined by the director, whereby a change in parking fees is necessary.

**WSR 04-05-104**  
**PROPOSED RULES**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[Docket No. TR-021465—Filed February 18, 2004, 9:25 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 03-04-004.

**Title of Rule:** Remote-control locomotive (RCL) operations. Rules relating to public safety when railroads operate locomotives with remote-control technology. The proposal would amend WAC 480-62-320 Remote controlled operations, to clarify and expand reporting requirements to include notice of railroads' intention to use cameras for point protection at crossings. In addition, the proposal would amend WAC 480-62-125 Definitions, to add definitions of "remote-control area," "remote-control operations," and "remote-control zone."

**Purpose:** See Explanation of Rule below.

**Statutory Authority for Adoption:** RCW 80.01.040, 81.04.160.

**Summary:** See Explanation of Rule below.

**Reasons Supporting Proposal:** See Explanation of Rule below.

**Name of Agency Personnel Responsible for Drafting:** Mike Rowswell, Rail Safety Manager, 1400 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 664-1265; **Implementation and Enforcement:** Carole J. Washburn, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 664-1174.

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

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** The rule will improve public safety in areas where railroads use remote-control locomotives by improving commission staff awareness of remote-control operations in the state of Washington. Overall, the rule adds definitions to clarify the meaning of the rule. The rule clarifies existing reporting requirements and expands reporting requirements to include remote-control zones and the use of cameras for protection of train movements.

The reporting requirements in subsection (1) of the existing rule could be read to require reporting only in the first instance of railroad use of remote-control locomotives. The proposed rule amends the existing rule to ensure that the commission will be made aware of all locations where railroads intend to use remote-control locomotives, including remote-control zones. Remote-control zones are locations within areas where remote-control locomotives are used where protection rules are relaxed. The rule expands reporting requirements to include these areas and zones because of the additional safety concerns involved. The information provided as a result of the proposed rule will allow commission staff to timely perform safety evaluations of locations where remote-control operations will occur. The use of cameras to provide protection is not a standard railroad practice and poses limitations on the ability to protect crossings. The reporting requirement will allow commission staff to conduct

safety diagnostic evaluations before cameras are used at specific locations.

In public meetings with interested persons concerning this rule making, commission staff and others had discussed draft rules concerning protection of the point of movement of remote-controlled trains at grade crossings and where trains can enter mainline tracks. The commission will address the issue of point protection of trains, generally, in a new rule making, Docket No. TR-040151, to consider a new rule in chapter 480-62 WAC concerning point protection.

**Proposal Changes the Following Existing Rules:** Definitions of remote-control area, remote-control operations, and remote-control zone are added to WAC 480-62-125. WAC 480-62-320 is amended as described above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule will not result in or impose an increase in costs for any businesses in the railroad industry. Because there will not be any increase in costs resulting from the proposed rules, a small business economic impact statement is not required under RCW 19.85.030(1).

RCW 34.05.328 does not apply to this rule adoption. The commission is not an agency to which RCW 34.05.328 applies. The proposed rules are not significant legislative rules of the sort referenced in RCW 34.05.328(5).

**Hearing Location:** Commission Hearing Room 206, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, on April 28, 2004, at 9:30 a.m.

**Assistance for Persons with Disabilities:** Contact Mary DeYoung by April 23, 2004, TDD (360) 586-8203 or (360) 664-1133.

**Submit Written Comments to:** Carole J. Washburn, Secretary, P.O. Box 47250, Olympia, WA 98504, or e-mail to records@wutc.wa.gov, fax (360) 586-1150, by March 10, 2004. Please include Docket No. TR-021465 in your communication.

**Date of Intended Adoption:** April 28, 2004.

February 18, 2004  
 C. Robert Wallace  
 for Carole J. Washburn  
 Executive Secretary

**AMENDATORY SECTION** (Amending Docket No. TR-981102, General Order No. R-477, filed 1/30/01, effective 3/2/01)

**WAC 480-62-125 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

**"Class I railroad company"** means a railroad company having annual operating revenues of \$250 million or more;

**"Class II railroad company"** means a railroad company having annual operating revenue of less than \$250 million, but more than \$20 million; and

**"Class III railroad company"** means a railroad company having annual operating revenues of \$20 million or less.

**"Commission"** means the Washington utilities and transportation commission.

**"Department of labor and industries"** means the Washington state department of labor and industries.

**"Department of transportation"** means the Washington state department of transportation.

**"On track equipment"** means self-propelled equipment, other than locomotives, that can be operated on railroad tracks.

**"Passenger carrying vehicle"** means those buses and trucks owned, operated, and maintained by a railroad company which transports railroad employees in other than the cab of such vehicles and are designed primarily for operation on roads which may or may not be equipped with retractable flanged wheels for operation on railroad tracks.

**"Railroad"** means every permanent road with a line of rails fixed to ties providing a track for cars or equipment drawn by locomotives or operated by any type of power, including interurban and suburban electric railroads, for the public use of conveying persons or property for hire, with all bridges, ferries, tunnels, equipment, switches, spurs, sidings, tracks, stations, and terminal facilities of every kind, used, operated, controlled, managed, or owned by or in connection therewith. Unless otherwise provided by rule, the term "railroad" does not include logging and industrial railroads, or street railways operating within the limits of any incorporated city or town.

**"Railroad company"** means every corporation, company, partnership, association, joint stock association, or person, their lessees, trustees, or receivers appointed by any court, and any common carrier owning, operating, controlling or managing any railroad or any cars or other equipment used on, or in connection with the railroad within this state.

**"Railroad police officer"** means a peace officer who is commissioned in his or her state of legal residence or state of employment by a railroad company to enforce state laws for the protection of railroad property, personnel, passengers and/or cargo.

**"Remote-control area"** means any place remote-control operations are conducted on a railroad.

**"Remote-control operations"** means the use of a radio transmitter and receiver system that can be operated by a person not physically located at the controls within the confines of a locomotive cab.

**"Remote-control zone"** means a designated area where access is restricted in which remote-control operations may occur under alternative point protection procedures.

**"State"** means the state of Washington.

**AMENDATORY SECTION** (Amending Docket No. TR-981102, General Order No. R-477, filed 1/30/01, effective 3/2/01)

**WAC 480-62-320 Remote controlled operations.** (1) Railroad companies, including logging and industrial railroad companies, must report to the commission their intention to ~~((use remote control devices to operate trains))~~ create or enlarge a remote-control area at least thirty days before operations begin. ~~((The))~~ Reports must include:

- (a) The name of the railroad company;
- (b) The approximate date when operations will start; and

(c) The location of ~~((the))~~ operations ~~((; and))~~. Railroads should provide sufficient information to allow the commission to determine what road crossings at grade are included within the remote-control area.

~~((d))~~ ~~Whether trains with locomotives operated by remote control will travel over at-grade pedestrian or vehicular crossings.~~

(2) ~~((If remote controlled trains will be operated over crossings, the railroad company must list the affected crossings))~~ Railroad companies must report to the commission their intention to create or enlarge a remote-control zone at least thirty days before operations begin. Reports must include:

- (a) The name of the railroad company;
- (b) The approximate date when operations will start; and
- (c) The remote-control area within which the zone will be created.

(3) ~~((Each railroad company using remote control devices on the effective date of this rule must submit the report within thirty days after the effective date.))~~ Railroads must report to the commission their intention to use cameras for point protection at crossings at least thirty days prior to the intended implementation date.

WSR 04-05-106

PROPOSED RULES

DEPARTMENT OF  
FISH AND WILDLIFE

[Filed February 18, 2004, 10:09 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-01-187.

Title of Rule: Hunting equipment rules.

Purpose: To amend WAC 232-12-047 Unlawful firearms for hunting, 232-12-054 Archery requirements— Archery special use permits, and 232-12-828 Hunting of game birds and animals by person with a disability.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: The proposed changes make it legal for disabled hunter permittees that have received a crossbow special use permit to hunt game birds and game animals with a crossbow. The proposal allows disabled hunter permittees that are not able to use adaptive archery equipment to use a crossbow.

Reasons Supporting Proposal: In general, restrictions on equipment technology are designed to constrain incremental improvements in hunting success that may affect season length or timing or other hunting restrictions. This accommodation to use a crossbow under an archery special use permit is intended to provide qualifying hunters with disabilities access to archery hunting. Adoption of this accommodation will resolve a long-standing disability discrimination complaint filed against the department.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Natural Resources Building, Olympia, (360) 902-2504; and

Enforcement: Bruce Bjork, Assistant Director, Natural Resources Building, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules describe lawful equipment for hunting game. The purpose of the recommended change is to allow the use of crossbows as an accommodation for hunters with disabilities that would otherwise be unable to participate in archery hunting. The anticipated effect is that a few disabled hunters would qualify to use a crossbow for hunting.

Proposal Changes the Following Existing Rules: Crossbows would be lawful hunting equipment for qualifying disabled hunter permittees that are not able to use other adaptive archery equipment such as draw locks, trigger mechanisms, and bow supports.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules regulate recreational hunters and do not directly regulate small business.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Red Lion Hotel "At the Park," 303 West North River Drive, Spokane, WA 99201, phone (509) 326-8000, on April 2-3, 2004, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Susan Yeager by March 29, 2004, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Attn: Wildlife Program April Meeting Public Comments, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by March 12, 2004.

Date of Intended Adoption: April 2, 2004.

February 18, 2004

Evan Jacoby

Rules Coordinator

**AMENDATORY SECTION** (Amending Order 00-50, filed 5/23/00, effective 6/23/00)

**WAC 232-12-047 Unlawful firearms for hunting.** (1)

It is unlawful to hunt any big game with:

- (a) A fully automatic firearm.
- (b) A centerfire cartridge less than 22 caliber for cougar.
- (c) A centerfire cartridge less than 24 caliber for any other big game.
- (d) A shotgun, provided that a 20 gauge, or larger shotgun, using shells loaded with slugs or buckshot size #1 or larger, may be used to hunt deer, bear, and cougar.
- (e) A shotgun for any other big game, except that a 12 gauge or 10 gauge shotgun using slugs may be used.
- (f) A handgun that does not meet the following criteria: Have a minimum barrel length of four inches, per manufacturer's specification, and fire a centerfire cartridge.
- (g) Any rimfire cartridge.
- (2) It is unlawful to hunt game birds with a shotgun capable of holding more than three shells.

(3) It is unlawful to hunt game birds or game animals, except bullfrogs, in a manner other than with a firearm, a bow and arrow, or by falconry, except persons with disabilities may use a crossbow with a special use permit as conditioned in WAC 232-12-054.

(4) It is unlawful to hunt game animals or game birds with a shotgun larger than 10 gauge.

(5) It is unlawful to hunt game birds with a rifle or pistol, with the exception of blue grouse, spruce grouse and ruffed grouse.

**AMENDATORY SECTION** (Amending Order 03-129, filed 6/12/03, effective 7/13/03)

**WAC 232-12-054 Archery requirements—Archery special use permits.** (1) Rules pertaining to all archery:

(a) It is unlawful for any person to carry or have in his possession any firearm while in the field archery hunting, during an archery season specified for that area.

(b) It is unlawful to have any electrical equipment or electric device(s) attached to the bow or arrow while hunting.

(c) It is unlawful to shoot a bow and arrow from a vehicle or from, across or along the maintained portion of a public highway, except persons with a disabled hunter permit may shoot from a vehicle if the hunter is in compliance with WAC 232-12-828.

(d) It is unlawful to use any device secured to or supported by the bow for the purpose of maintaining the bow at full draw or in a firing position, except persons with an archery special use permit may ~~(, during deer and elk archery seasons, use)~~ hunt game birds or game animals using a device that stabilizes and holds a long bow, recurve bow, or compound bow at a full draw, and may use a mechanical or electrical release.

(e) It is unlawful to hunt wildlife with a crossbow, except disabled hunter permittees in possession of a crossbow special use permit.

(f) It is unlawful to hunt big game animals with any arrow or bolt that does not have a sharp broadhead, and the broadhead blade or blades are less than seven-eighths inch wide.

(g) It is unlawful to hunt big game animals with a broadhead blade unless the broadhead is unbarbed and completely closed at the back end of the blade or blades by a smooth, unbroken surface starting at maximum blade width forming a smooth line toward the feather end of the shaft and such line does not angle toward the point.

(h) It is unlawful to hunt wildlife with any bow or crossbow equipped with a scope.

(2) Rules pertaining to long bow, recurve bow and compound bow archery:

(a) It is unlawful for any person to hunt big game animals with a bow that possesses less than 40 pounds of pull measured at twenty-eight inches or less draw length or has a greater than 65% reduction (let off) in holding weight at full draw.

(b) It is unlawful to hunt big game animals with any arrow measuring less than 20 inches in length or weighing less than 6 grains per pound of draw weight with a minimum arrow weight of 300 grains.

PROPOSED

(3) Rules pertaining to crossbows:

(a) It is unlawful for a disabled hunter permit holder in possession of a crossbow special use permit to hunt big game animals with a crossbow with a draw weight less than 125 pounds, a limb width less than 24 inches, a draw length less than 14 inches, and a working trigger safety.

(b) It is unlawful for a disabled hunter permit holder in possession of a crossbow special use permit to hunt big game animals with any arrow or bolt measuring less than 16 inches in length and weighing less than 350 grains.

(c) It is unlawful for a disabled hunter permit holder in possession of a crossbow special use permit to hunt game animals or game birds with a crossbow that weighs more than 15 pounds.

((3)) (4) Archery special use permits((-):

(a) An archery special use permit is available to a person who ~~((holds))~~ possesses a valid ~~((big game combination package which includes deer or elk as a species option and who presents an))~~ disabled hunter permit. An archery special use permit application must be signed by a physician stating that the person's disability is permanent and the person has a loss of use of one or both upper extremities, has a significant limitation in the use of an upper extremity, or has a permanent physical limitation, which loss or limitation substantially impairs the ability to safely hold, grasp or shoot a long bow, recurve bow or compound bow. The loss or limitation may be the result of, but not limited to, amputation, paralysis, diagnosed disease, or birth defect. The approved archery special use permit must be in the physical possession of the person while using adaptive archery equipment as described in subsection (1)(d) of this section to hunt ~~((deer or elk))~~ game birds or game animals.

(b) A crossbow special use permit is available to a person who meets the requirements for an archery special use permit and is unable to use adaptive archery equipment. Adaptive equipment includes, but is no limited to: cocking devices that hold the bow at full draw; trigger mechanisms that may be released by mouth, or chin, or hand supporting the bow; and devices that assist in supporting the bow. Information describing types of adaptive equipment will be provided to physicians for their assessment of the applicant's ability to utilize adaptive archery equipment. Muscle weakness, impaired range of motion, or unilateral hand weakness disability, of both hands or both arms or both sides of the upper extremity, may result in an inability to use adaptive archery equipment. Standard tests approved by the American Medical Association may be conducted to assess a person's abilities.

(c) Section 4(b), crossbow special use permits will be valid for the 2004 through 2006 hunting seasons, unless reauthorized by the Washington Fish and Wildlife Commission.

**Reviser's note:** The spelling error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 03-85, filed 4/30/03, effective 5/31/03)

**WAC 232-12-828 Hunting of game birds and animals by persons with a disability. (1) Definitions:**

(a) "Hunter with a disability" means a person with a permanent disability who possesses a disabled hunter permit issued by the department. A hunter with a disability must have all required licenses, tags, permits, and stamps before hunting.

(b) "Disabled hunter permit" means a permit, card, or endorsement to a license issued by the department to any person with a permanent disability who applies to the department and presents such evidence as the director may require showing that the applicant is a person with a qualifying disability. Upon approval of the application, the department will issue a vehicle identification placard. A designated hunter companion card will be issued with a hunting license.

(c) "Designated hunter companion" means a person who assists a hunter with a disability in the stalking, shooting, tracking, retrieving, or tagging of game birds and game animals.

(d) "Designated hunter companion card" means an identification card issued by the department to the hunter with a disability.

(e) "Blind or visually impaired" means a central visual acuity that does not exceed 20/200 in the better eye with corrective lenses, or the widest diameter of the visual field does not exceed twenty degrees.

(f) "Accompany" means the hunter with a disability and the designated hunter companion are in the physical presence of each other, not to exceed 1/4 mile separation. While stalking or shooting an animal, the hunter with a disability and the designated hunter companion must have a form of reliable and direct communication.

(g) "Special use permit" means a permit issued by the department to a person with a specific permanent disability as a reasonable accommodation. The special use permit allows for a specific act or acts to include, but not be limited to, use of adaptive mechanical, electrical, or specialty equipment or devices that aid the person in hunting.

(h) "Person with a disability" means:

(i) A person who has a permanent disability and is not ambulatory over natural terrain without a lower extremity prosthesis or must permanently use a medically prescribed assistive device for mobility, including, but not limited to, a wheelchair, crutch, cane, walker, or oxygen bottle; or

(ii) A person who has a permanent disability and is physically incapable of holding and safely operating a firearm or other legal hunting device.

This definition includes, but is not limited to, persons with a permanent upper or lower extremity impairment who have lost the use of one or both upper or lower extremities, or who have a severe limitation in the use of one or both upper or lower extremities, or who have a diagnosed permanent disease or disorder which substantially impairs or severely interferes with mobility or the use of one or both upper or lower extremities for holding and safely operating a firearm or other legal hunting device; or

(iii) A person who is blind or visually impaired.

"Visually impaired" means central visual acuity that does not exceed 20/200 in the better eye with corrective lenses, or the widest diameter of the visual field is no greater than twenty degrees.

(2) The designated hunter companion must accompany the hunter with a disability when stalking or shooting game on behalf of the hunter with a disability. The hunter with a disability or the designated hunter companion must immediately cut, notch, or date any required tag. The tag must be affixed to the carcass of the game bird or animal as soon as is reasonably possible after killing the game.

(3) The designated hunter companion does not need to accompany the hunter with a disability while tracking an animal wounded by either hunter, or while tagging or retrieving a downed animal on behalf of the hunter with a disability.

(4) It is unlawful for a designated hunter companion to assist a hunter with a disability unless the designated hunter companion has the designated hunter companion identification card on his or her person.

(5) It is unlawful for a hunter with a disability to shoot from a motor vehicle, nonhighway vehicle or snowmobile unless the vehicle is stopped, the motor is turned off and the vehicle is not on or beside the maintained portion of a public highway. A disabled hunter vehicle identification placard must be displayed.

(6) It is unlawful for any person to possess a loaded firearm in a moving vehicle or to shoot a firearm, crossbow, or bow and arrow from, across, or along the maintained portion of a public highway.

(7) Game birds or game animals killed, tagged or retrieved by a designated hunter companion on behalf of a hunter with a disability do not count against the designated hunter companion's bag or possession limit.

(8) A designated hunter companion shooting game for or may be shooting game for a hunter with a disability must have a valid hunting license issued by Washington or another state.

Reasons Supporting Proposal: Provides recreational, deer hunting opportunity and protects deer from overharvest. Addresses deer damage problems.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Natural Resources Building, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Assistant Director, Natural Resources Building, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Maintain general deer hunting season opportunities for 2004. Adjust special deer permits for 2004 in response to deer population changes and damage complaints.

Proposal Changes the Following Existing Rules: Maintains general deer hunting season opportunities for 2004. Adjust special deer permits for 2004 in response to deer population changes and damage complaints.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules regulate recreational hunters and do not directly regulate small business.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Red Lion Hotel "At the Park," 303 West North River Drive, Spokane, WA 99201, phone (509) 326-8000, on April 2-3, 2004, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Susan Yeager by March 29, 2004, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Attn: Wildlife Program April Meeting Public Comments, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by March 12, 2004.

Date of Intended Adoption: April 2, 2004.

February 18, 2004

Evan Jacoby

Rules Coordinator

## WSR 04-05-107

### PROPOSED RULES

### DEPARTMENT OF

### FISH AND WILDLIFE

[Filed February 18, 2004, 10:10 a.m.]

#### Original Notice.

Preproposal statement of inquiry was filed as WSR 04-01-187.

Title of Rule: To amend WAC 232-28-351 Deer general seasons and special permits.

Purpose: To amend WAC 232-28-351 Deer general seasons and special permits.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Deer general seasons are set on a three-year basis and permit seasons are adjusted annually. Both general and permit seasons can be adjusted annually in response to deer population changes and damage complaints.

### AMENDATORY SECTION (Amending Order 03-129, filed 6/12/03, effective 7/13/03)

#### WAC 232-28-351 2003-2005 Deer general seasons and ~~((2003))~~ special permits.

**Bag Limit:** One (1) deer per hunter during the ~~((2003 hunting season))~~ license year except where otherwise permitted by Fish and Wildlife Commission rule.

**Hunting Method:** Hunters must select one of the hunting methods (modern firearm, archery, muzzleloader).

**Any Buck Deer Seasons:** Open only to the taking of deer with visible antlers (buck fawns illegal).

**Branched Antler Restrictions:** APPLIES TO ALL HUNTERS DURING ANY GENERAL SEASON! Buck deer taken in these GMUs must meet minimum antler point requirements. Minimum antler point requirements are antler points on one side only. Antler points include eye guards but all antler points

must be at least one inch long. The following GMUs have 2 or 3 point minimum requirements on buck deer taken.

**2 Point minimum GMUs:** 437, 558, 574, 578, 588, 636, 654, and 681.

**3 Point minimum GMUs:** All mule deer in 100, 200, and 300 series GMUs; whitetail deer in GMUs 127, 130, 133, 136, 139, 142, 145, 149, 154, 162, 163, 166, 169, 172, 175, 178, 181, and 186.

**Permit Only Units:** The following GMUs are closed during general seasons: 290 (Desert), 329 (Quilomene), 371 (Alkali), and 485 (Green River).

**Private Lands Wildlife Management Areas (PLWMA)s:** Buckrun (PLWMA 201), Kapowsin (PLWMA 401), and Merrill and Ring (PLWMA 600) are closed to hunting, except by permit and/or written permission from the landowner.

**GMUs Closed to Deer Hunting:** 157 (Mill Creek Watershed), 490 (Cedar River), and 522 (Loo-wit).

**Blacktail Deer:** Any member of blacktail/mule deer (species *Odocoileus hemionus*) found west of a line drawn from the

Canadian border south on the Pacific Crest Trail and along the Yakama Indian Reservation boundary in Yakima County to Klickitat County and in Klickitat County west of Highway 97.

**Mule Deer:** Any member of blacktail/mule deer (species *Odocoileus hemionus*) found east of a line drawn from the Canadian border south on the Pacific Crest Trail and along the Yakama Indian Reservation boundary in Yakima County to Klickitat County and in Klickitat County east of Highway 97.

**Whitetail Deer:** Means any whitetail deer (member of the species *Odocoileus virginianus*) except the Columbian whitetail deer (species *Odocoileus virginianus leucurus*).

**MODERN FIREARM DEER SEASONS**

**License Required:** A valid big game hunting license, which includes a deer species option.

**Tag Required:** Valid modern firearm deer tag on his/her person for the area hunted.

**Hunting Method:** Modern firearm deer tag hunters may use rifle, handgun, shotgun, bow or muzzleloader, but only during modern firearm seasons.

Hunt Season	2003 Dates	2004 Dates	2005 Dates	Game Management Units (GMUs)	Legal Deer
<b>HIGH BUCK HUNTS</b>					
	Sept. 15-25	Sept. 15-25	Sept. 15-25	Alpine Lakes, Glacier Peak, Pasayten and Olympic Peninsula Wilderness Areas and Lake Chelan Recreation Area and that part of the Henry Jackson Wilderness Area west of the Pacific Crest Trail	3 pt. min.
<b>GENERAL SEASON HUNTS</b>					
Western Washington Blacktail Deer	Oct. 11-31	Oct. 16-31	Oct. 15-31	407, 418, 426, 448 through 466, 501 through 520, 524 through 556, 560, 568, 572, 601 through 633, 638 through 673, 684	Any buck
				410, 564	Any deer
				437, 558, 574, 578, 588, 636, 654, 681	2 pt. min.
Eastern Washington Whitetail Deer	Oct. 11-24	Oct. 16-29	Oct. 15-28	101 through 124	Any whitetail buck
				203 through 247, and 249 through 251	Any whitetail buck
	Oct. 11-19	Oct. 16-24	Oct. 15-23	127 through 154, 162 through 186	Whitetail, 3 pt. min.
				248, 254 through 381 except closed in GMUs 290, 329, 371 Deer Area 3081	Any whitetail buck Any white-tailed deer
Eastern Washington Mule Deer	Oct. 11-19	Oct. 16-24	Oct. 15-23	All 100 and 300 series GMUs, 248, and 254 through 284, except closed in GMUs 157, 329, and 371 Deer Area 3081	3 pt. min. Any mule deer
				203 through 247 and 249 through 251	Mule deer, 3 pt. min.
	Oct. 11-24	Oct. 16-29	Oct. 15-28		
<b>LATE BUCK HUNTS</b>					
Western Washington Blacktail Deer	Nov. 13-16	Nov. 18-21	Nov. 17-20	All 400, 500, and 600 series GMUs except closed in GMUs 418, 426, 437, 448, 450, 460, 522, 574, 578, and 588	Any buck except 2 pt. min. in GMUs 558, 636, 654, 681 and any deer in GMUs 410 and 564
Eastern Washington Whitetail Deer	Nov. 3-19	Nov. 8-19	Nov. 7-19	105 through 124	Any whitetail buck
		Nov. 11-19	Nov. 10-18	127-142	Whitetail, 3 pt. min.
<b>YOUTH &amp; DISABLED HUNTERS</b>					
Eastern Washington Whitetail Deer	Oct. 25- Nov. 2	Oct. 30- Nov. 7	Oct. 29- Nov. 6	105 through 124	Whitetail, antlerless only

PROPOSED



PROPOSED

Hunt Season	2003 Dates	2004 Dates	2005 Dates	Game Management Units (GMUs)	Legal Deer
<b>HUNTERS 65 AND OVER, DISABLED, OR YOUTH SEASONS</b>					
Eastern Washington Whitetail Deer	Oct. 11-24	Oct. 16-29	Oct. 15-28	101 through 124	Any whitetail deer
	Oct. 11-19	Oct. 16-24	Oct. 15-23	127 through 142, 145 through 154, 162, 163, and 172 through 181	Whitetail, 3 pt. min. or antlerless
Eastern Washington Mule Deer	Oct. 11-19	Oct. 16-24	Oct. 15-23	142	Mule deer, 3 pt. min. or antlerless
<b>ADVANCED HUNTER EDUCATION (AHE) MASTER HUNTER SEASON</b>					
Eastern Washington Whitetail Deer	Dec. 9-15	Dec. 9-15	Dec. 9-15	GMUs 130-142	Whitetail, antlerless only
Eastern Washington Mule Deer	Dec. 9-15	Dec. 9-15	Dec. 9-15	GMU 142	Mule deer, antlerless only

**ARCHERY DEER SEASONS**

**License Required:** A valid big game hunting license, which includes a deer species option.

**Tag Required:** Valid archery deer tag on his/her person for the area hunted.

**Special Notes:** Archery tag holders can only hunt during archery seasons with archery equipment (WAC 232-12-054).

Hunt Area	2003 Dates	2004 Dates	2005 Dates	Game Management Units (GMUs)	Legal Deer
<b>Early Archery Deer Seasons</b>					
Western Washington Blacktail Deer	Sept. 1-30	Sept. 1-30	Sept. 1-30	407 through 426, 448 through 466, 501 through 520, 524 through 556, 560, 564, 568, 572, 601 through 633, 638 through 653, 658 through 673, 684 and 699	Any Deer, except buck only in GMUs <u>460</u> , 503, 506, 530, 550, 568, 673
				437, 558, 574, 578, 588, 636, 654, 681	2 pt. min. or antlerless
				Alpine Lakes, Glacier Peak, and Olympic Peninsula Wilderness areas	3 pt. min. or antlerless
Eastern Washington Mule Deer	Sept. 1-30	Sept. 1-30	Sept. 1-30	105 through 127, 243 through 247, 249 ((through-25)), 250, 260, 262	3 pt. min.
				142 through 154, and 162 through 186, 251, 328, 334 through 340, 346 through 368, 372	3 pt. min. or antlerless
				381	Any mule deer
	Sept. 1-15	Sept. 1-15	Sept. 1-15	101, 130 through 139, 204 through 242, 248, 254, 266, 269, 272, 278, 284, 382	3 pt. min.
Sept. 16-30	Sept. 16-30	Sept. 16-30	101, 130 through 139, 204 through 242, 248, 254, 266, 269, 272, 278, 284, 382	3 pt. min. or antlerless	
Eastern Washington Whitetail Deer	Sept. 1-30	Sept. 1-30	Sept. 1-30	101 through 124, 204 through 284, <u>381</u>	Any whitetail deer
				127 through 154, 162 through 186	Whitetail, 3 pt. min. or antlerless
<b>Late Archery Deer Seasons</b>					
Western Washington Blacktail Deer	Nov. 19 - Dec. 8	Nov. 24 - Dec. 8	Nov. 23 - Dec. 8	437, 588, 654	2 pt. min. or antlerless
	Nov. 19 - Dec. 15	Nov. 24 - Dec. 15	Nov. 23 - Dec. 15	636, 681	2 pt. min. or antlerless
				558	2 pt. min.
				460, 466, 506 through 520, 524, 530, 556, 560, 572, 601, 607 through 618, 638, 648, and 699	Any deer, except buck only in GMUs <u>460</u> , 506, 530
Nov. 19 - Dec. 31	Nov. 24 - Dec. 31	Nov. 23 - Dec. 31	407, 410, 454, 505, 603, 624, 627, 642, 652, 660 through 672	Any deer	
Eastern Washington Mule Deer	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	209, 215, 233, 243, ((247,)) 250	3 pt. min.
				145, 163, 178	Antlerless
				272, 346, 352, 364, 368	3 pt. min. or antlerless
Eastern Washington Whitetail Deer	Nov. 10 - Dec. 15	Nov. 10 - Dec. 15	Nov. 10 - Dec. 15	101	Any whitetail deer
	Nov. 20 - Dec. 15	Nov. 20 - Dec. 15	Nov. 20 - Dec. 15	105, 117, 121, 124	Any whitetail deer
				127	3 pt. min. or antlerless whitetail
	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	145, 163, 178	3 pt. min. or antlerless whitetail
			204, 209, 215, 233, 243, 247, 250, 272	Any whitetail deer	

**MUZZLELOADER DEER SEASONS**

**License Required:** A valid big game hunting license, which includes a deer species option.

**Tag Required:** Valid muzzleloader deer tag on his/her person for the area hunted.

**Hunting Method:** Muzzleloader only.

**Special Notes:** Muzzleloader tag holders can only hunt during muzzleloader seasons and must hunt with muzzleloader equipment.

PROPOSED

Hunt Area	2003 Dates	2004 Dates	2005 Dates	Game Management Units (GMUs)	Legal Deer
High Buck Hunts	Sept. 15-25	Sept. 15-25	Sept. 15-25	Alpine Lakes, Glacier Peak, Pasayten and Olympic Peninsula Wilderness areas, Lake Chelan Recreation Area and that part of the Henry Jackson Wilderness Area west of the Pacific Crest Trail	3 pt. min.
<b>Early Muzzleloader Deer Seasons</b>					
Western Washington Blacktail Deer	Oct. 4-10	Oct. 2-8	Oct. 1-7	407, 418, 426, 448, 450, 501, 504, 505, 513, 520, 530, 554, 568, 603, 612, 624, 627, 638, 642, 660, 663, 672, 673, 684	Any buck
				410, 454, 564, 652, 666	Any deer
				437, 578	2 pt. min.
Eastern Washington Whitetail Deer	Oct. 4-10	Oct. 2-8	Oct. 1-7	204, 209, 233, 239, 243, 244, 245, 246, 250, 251, 278, 284	Whitetail, any buck
				133, 142, 145, 149, 181, 381	Whitetail, 3 pt. min. or antlerless
				101, 108, 111, 117, 121, 124	Whitetail, any deer
Eastern Washington Mule Deer	Oct. 4-10	Oct. 2-8	Oct. 1-7	101, 108, 111, 117, 121, 124, 133, 204, 209, 233, 239, 243, 244, 245, 246, 250, 251, 278, 284, 328, 330 through 342, 352 through 360, 368, 382	Mule deer, 3 pt. min.
				142, 145, 149, 181, 381	Mule deer, 3 pt. min. or antlerless
<b>Late Muzzleloader Deer Seasons</b>					
Western Washington Blacktail Deer	Nov. 19 - Dec. 15	Nov. 24 - Dec. 15	Nov. 23 - Dec. 15	410, 501, 504, 564, 633, 651, 666, 673, 684, and Deer Area 4926	Any deer
				654	2 pt. min.
				407, 460, 550, 602	Any buck
Eastern Washington Whitetail Deer	Nov. 19 - Dec. 8	Nov. 24 - Dec. 8	Nov. 23 - Dec. 8	578	2 pt. min.
				113	Whitetail, any deer
Eastern Washington Mule Deer	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	130, 139, 172, 181	Whitetail, 3 pt. min. or antlerless
				381, 382	3 pt. min.
	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	130, Deer Area 3081	3 pt. min. or antlerless

**FIREARM RESTRICTED DEER HUNTS OPEN TO ALL DEER HUNTERS**

**License Required:** Hunting license.

**Tag Required:** Valid modern firearm, archery or muzzleloader deer tag on his/her person for the area hunted.

**Hunting Method:** Must use weapon in compliance with tag. Firearm restrictions apply in some GMUs. In firearm restriction areas, modern firearm hunters may hunt with a muzzleloader equipped with a scope.

<b>Firearm Restricted Hunts Open To All Deer Hunters</b>					
Hunting license and deer tag required. Must use hunting method in compliance with tag. Check firearm restrictions. Archery, shotgun, muzzleloader or revolver type handgun only. Hunter orange required.					
Hunt Area	2003 Dates	2004 Dates	2005 Dates	Game Management Units (GMUs)	Legal Deer
Western Washington Blacktail Deer	Oct. 11-31	Oct. 16-31	Oct. 15-31	410, Vashon and Maury Islands	Any deer
	Nov. 19 - Dec. 31	Nov. 24 - Dec. 13	Nov. 23 - Dec. 31	564	Any deer
	Sept. 1 - Dec. 31	Sept. 1 - Dec. 31	Sept. 1 - Dec. 31	Indian Island Restricted Access*	Any deer
*Archery only except for one day persons of disability hunt. Archers must qualify during the June to August period to hunt. For information call Bill Kalina at 360-396-5353.					

**SPECIAL DEER PERMIT HUNTING SEASONS**

**(Open to Permit Holders Only)**

Hunters must purchase a deer hunting license prior to purchase of a permit application.

Hunt Name	<del>(2003)</del> 2004 Permit Season	Special Restrictions	Boundary Description	<del>(2003)</del> 2004 Permits
<b>Modern Firearm Deer Permit Hunts (Only modern firearm deer tag holders may apply.)</b>				
<b>Hunters may hunt only with weapon in compliance with tag.</b>				
Sherman	Oct. <del>((11-24))</del> 16-29	Whitetail, antlerless	GMU 101	100
Kelly Hill	<del>((Oct. 11-24 &amp; Nov. 10-19))</del> Oct. 16-29 & Nov. 8-19	Whitetail, antlerless	GMU 105	<del>((150))</del> 50
Douglas	<del>((Oct. 11-24 &amp; Nov. 10-19))</del> Oct. 16-29 & Nov. 8-19	Whitetail, antlerless	GMU 108	<del>((250))</del> 300
Aladdin	<del>((Oct. 11-24 &amp; Nov. 10-19))</del> Oct. 16-29 & Nov. 8-19	Whitetail, antlerless	GMU 111	<del>((100))</del> 75
Selkirk	<del>((Oct. 11-24 &amp; Nov. 10-19))</del> Oct. 16-29 & Nov. 8-19	Whitetail, antlerless	GMU 113	50
49 Degrees North	<del>((Oct. 11-24 &amp; Nov. 10-19))</del> Oct. 16-29 & Nov. 8-19	Whitetail, antlerless	GMU 117	<del>((200))</del> 250
Huckleberry A	<del>((Oct. 11-24 &amp; Nov. 10-19))</del> Oct. 16-29 & Nov. 8-19	Whitetail, antlerless	GMU 121	700
Mt. Spokane A	<del>((Oct. 11-24 &amp; Nov. 10-19))</del> Oct. 16-29 & Nov. 8-19	Whitetail, antlerless	GMU 124	400
Mica Peak A	Oct. <del>((11-24))</del> 16-24	Whitetail, antlerless	GMU 127	200
Cheney A	Oct. <del>((11-24))</del> 16-24	Antlerless	GMU 130	200
Roosevelt	Oct. <del>((11-24))</del> 16-24	Antlerless	GMU 133	400
Harrington	Oct. <del>((11-24))</del> 16-24	Antlerless	GMU 136	125
Steptoe	<del>((Oct. 11-24 &amp; Nov. 10-19))</del> Oct. 16-24 & Nov. 11-19	Antlerless	GMU 139	300
Almota A	<del>((Oct. 11-24 &amp; Nov. 10-19))</del> Oct. 16-24 & Nov. 11-19	Antlerless	GMU 142	<del>((250))</del> 200
Mayview A	Oct. <del>((11-19))</del> 16-24	Antlerless	GMU 145	<del>((350))</del> 200
Mayview B	Nov. <del>((3-16))</del> 1-14	Antlerless	GMU 145	<del>((350))</del> 200
Prescott A	Nov. <del>((3-16))</del> 1-14	Antlerless	GMU 149	<del>((400))</del> 275
Prescott B	Nov. <del>((3-16))</del> 1-14	Antlerless	Deer Area 1020	150
Blue Creek	Nov. <del>((3-16))</del> 1-14	Whitetail, antlerless	GMU 154	225
Dayton A	Nov. <del>((3-16))</del> 1-14	Whitetail, antlerless	GMU 162	350
Dayton B	Nov. <del>((3-16))</del> 1-14	Antlerless	Deer Area 1010	<del>((50))</del> 75
Marengo A	Nov. <del>((3-16))</del> 1-14	Whitetail, antlerless	GMU 163	250
Marengo B	Nov. <del>((3-16))</del> 1-14	Antlerless	GMU 163	75
Peola	Nov. <del>((3-16))</del> 1-14	Antlerless	GMU 178	75
Blue Mtns. Foothills A	Nov. <del>((3-19))</del> 8-19	Whitetail, 3 pt. min. or antlerless	GMUs 149, 154, 162-166	100
Blue Mtns. Foothills B	Nov. <del>((3-19))</del> 8-19	Whitetail, 3 pt. min. or antlerless	GMUs 145, 172-181	50
Couse	Nov. <del>((3-16))</del> 1-14	Antlerless	GMU 181	<del>((50))</del> 100
East Okanogan A	Nov. 1-18	Any whitetail	GMU 204	100
West Okanogan	Nov. 1-18	Any whitetail	GMUs 218-242	100
Sinlahekin A	Nov. 1-18	Any whitetail	GMU 215	50
Sinlahekin B	Nov. 1-18	Whitetail, antlerless	GMU 215	50
Chewuch A	Nov. 1-18	Any buck	GMU 218	<del>((15))</del> 5
Pearygin A	Nov. 1-18	Any buck	GMU 224	<del>((20))</del> 10
Gardner A	Nov. 1-18	Any buck	GMU 231	<del>((15))</del> 5
Pogue A	Nov. 1-18	Any buck	GMU 233	<del>((10))</del> 5
Chiliwist A	Nov. 1-18	Any buck	GMU 239	<del>((15))</del> 5
Alta A	Nov. 1-18	Any buck	GMU 242	<del>((15))</del> 5
Manson	Nov. 1-18	Any buck	GMU 243	5
Chiwawa A	Nov. 1-18	Any buck	GMU 245	40
Slide Ridge A	Nov. 1-18	Any buck	GMU 246	15
Entiat A	Nov. 1-18	Any buck	GMU 247	50
<del>((Big Bend A))</del>	<del>((Oct. 11-19))</del>	<del>((Antlerless))</del>	<del>((GMU 248))</del>	<del>((75))</del>
Big Bend <del>((B))</del> A	Nov. 1-18	Antlerless	GMU 248	<del>((75))</del> 50
Swakane A	Nov. 1-18	Any buck	GMU 250	45

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Hunt Name	<del>((2003))</del> 2004 Permit Season	Special Restrictions	Boundary Description	<del>((2003))</del> 2004 Permits
Mission A	Nov. 1-18	Any buck	GMU 251	30
Mission B	Oct. <del>((11-24))</del> 16-29	Antlerless	GMU 251	125
St. Andrews	Oct. <del>((11-19))</del> 16-24	Antlerless	GMU 254	75
Foster Creek A	Oct. <del>((11-19))</del> 16-24	Antlerless	GMU 260	<del>((150))</del> 75
Foster Creek B	Nov. 1-18	Antlerless	GMU 260	<del>((150))</del> 75
Withrow A	Oct. <del>((11-19))</del> 16-24	Antlerless	GMU 262	<del>((75))</del> 50
Badger	Nov. 1-18	Antlerless	GMU 266	<del>((100))</del> 50
Ritzville ( <del>((Kahlotus))</del> ) A	Nov. 1-18	3 pt. min. or antlerless	GMU 284	30
Desert A	Nov. 1-15	Any deer	GMU 290	<del>((15))</del> TBA
Desert B	Dec. 1-7	Antlerless	GMU 290	50
<del>((Lakeview A))</del>	<del>((Dec. 9 - Jan 31, 2004))</del>	<del>((Antlerless))</del>	<del>((Deer Area 2011))</del>	<del>((30))</del>
Naneum	Oct. <del>((11-19))</del> 16-24	Antlerless	GMU 328	30
Quilomene A	Nov. <del>((1-18))</del> 8-21	Any buck	GMU 329	<del>((78))</del> TBA
Teanaway A	Oct. <del>((11-19))</del> 16-24	Antlerless	GMU 335	30
Taneum	Oct. <del>((11-19))</del> 16-24	Antlerless	GMU 336	20
Nile A	Oct. <del>((11-19))</del> 16-24	Antlerless	GMU 352	20
Bethel A	Nov. <del>((3-16))</del> 8-21	Any buck	GMU 360	10
Cowiche A	Oct. <del>((11-19))</del> 16-24	Antlerless	GMU 368	20
Cowiche B	Nov. <del>((3-16))</del> 8-21	Any buck	GMU 368	15
Alkali A	Nov. <del>((27 - Dec. 6))</del> 20-28	Any buck	GMU 371	<del>((77))</del> TBA
Alkali B	Nov. <del>((27 - Dec. 6))</del> 20-28	Antlerless	GMU 371	80
Whitcomb ( <del>((B))</del> ) A	Sept. <del>((6-14))</del> 18-24	Antlerless	Deer Area 3071	5
Paterson A	Sept. 18-24	Antlerless	Deer Area 3072	5
East Klickitat A	Oct. <del>((11-19))</del> 16-24	3 pt. min. or antlerless	GMU 382	40
Sauk	Nov. 13-16	2 pt. min.	GMU 437	25
Stillaguamish	Nov. 13-16	2 pt. min.	GMU 448	10
Snoqualmie	Nov. 13-16	Any buck	GMU 460	25
Green River A	<del>((Oct. 25-31))</del> Oct. 30-Nov. 5	Any buck	GMU 485	10
Lincoln A	Oct. <del>((11-31))</del> 16-31	Any deer	GMU 501	40
Stella A	Oct. <del>((11-31))</del> 16-31	Any deer	GMU 504	35
Mossyrock A	Oct. <del>((11-31))</del> 16-31	Any deer	GMU 505	85
Stormking A	Oct. <del>((11-31))</del> 16-31	Any deer	GMU 510	30
South Rainier A	Oct. <del>((11-31))</del> 16-31	Any deer	GMU 513	30
Packwood A	Oct. <del>((11-31))</del> 16-31	Any deer	GMU 516	50
Winston A	Oct. <del>((11-31))</del> 16-31	Any deer	GMU 520	50
Yale A	Oct. <del>((11-31))</del> 16-31	Any deer	GMU 554	15
Toutle A	Oct. <del>((11-31))</del> 16-31	Any deer	GMU 556	25
Marble A	Oct. <del>((11-31))</del> 16-31	2 pt. min. or antlerless	GMU 558	20
Lewis River A	Oct. <del>((11-31))</del> 16-31	Any deer	GMU 560	35
Siouxon A	Oct. <del>((11-31))</del> 16-31	Any deer	GMU 572	35
Wind River A	Oct. <del>((11-31))</del> 16-31	2 pt. min. or antlerless	GMU 574	10
Wind River B	Nov. <del>((13-16))</del> 18-21	2 pt. min.	GMU 574	35
West Klickitat A	Oct. <del>((11-31))</del> 16-31	2 pt. min. or antlerless	GMU 578	30
West Klickitat B	Nov. <del>((13-16))</del> 18-21	2 pt. min.	GMU 578	45
Grayback A	Oct. <del>((11-31))</del> 16-31	2 pt. min. or antlerless	GMU 588	<del>((125))</del> 55
Grayback B	Nov. <del>((13-16))</del> 18-21	2 pt. min.	GMU 588	65
Pysht	Oct. <del>((11-31))</del> 16-31	Any deer	GMU 603	15
Olympic	Oct. <del>((11-31))</del> 16-31	Any deer	GMU 621	35
Kitsap	Oct. <del>((11-31))</del> 16-31	Any deer	GMU 627	20
Wynoochee A	Oct. <del>((11-31))</del> 16-31	Any deer	GMU 648	110
Wynoochee B	Nov. 1-11	Any buck	GMU 648	10
Satsop A	Nov. 1-11	Any buck	GMU 651	10
North River A	Oct. <del>((11-31))</del> 16-31	Any deer	GMU 658	70
Minot Peak	Oct. <del>((11-31))</del> 16-31	Any deer	GMU 660	<del>((90))</del> 70
Capitol Peak A	Oct. <del>((11-31))</del> 16-31	Any deer	GMU 663	30

Hunt Name	<del>((2003))</del> 2004 Permit Season	Special Restrictions	Boundary Description	<del>((2003))</del> 2004 Permits
Capitol Peak B	Nov. 1-11	Any buck	GMU 663	10
Deschutes	Oct. <del>((11-31))</del> 16-31	Any deer	GMU 666	80
Skookumchuck A	Oct. <del>((11-31))</del> 16-31	Any deer	GMU 667	160
Skookumchuck B	Nov. 1-11	Any buck	GMU 667	10
<b>Muzzleloader Only Deer Permit Hunts (Only muzzleloader tag holders may apply.)</b>				
Cheney B	Nov. 20 - Dec. 8	Mule deer, 3 pt. min. or antlerless	GMU 130	75
Blue Mtns. Foothills C	Nov. 20 - Dec. 8	Whitetail, 3 pt. min. or antlerless	GMUs 149, 154, 162, 166	60
Green Bluff	Dec. 9-31	Whitetail, antlerless	That portion of GMU 124 east of Hwy 2	90
Wannacut A	Nov. 1-18	Antlerless	GMU 209	50
Chiwawa B	Dec. <del>((9-31))</del> 9-20	Any buck	GMU 245	15
Foster Creek C	Dec. 1-31	Antlerless	GMU 260	<del>((200))</del> 100
Moses Coulee A	Nov. 1-18	Any buck	GMU 269	20
Moses Coulee B	Dec. 1-31	Antlerless	GMU 269	100
Ritzville <del>((Kahlotus))</del> B	Nov. 19-30	Mule deer, 3 pt. min. or antlerless; any white-tailed deer	GMU 284	30
<del>((Hooper))</del> Benge	Dec. 1-31	Antlerless	Deer Area 2010	<del>((20))</del> 50
Lakeview B	Nov. 1-18	Antlerless	Deer Area 2011	10
Desert C	Oct. <del>((19-27))</del> 25-31	Any deer	GMU 290	<del>((6))</del> TBA
Quilomene B	Oct. <del>((4-10))</del> 2-8	Any buck	GMU 329	<del>((10))</del> TBA
Teanaway B	Oct. <del>((4-10))</del> 2-8	Antlerless	GMU 335	25
Manastash	Oct. <del>((4-10))</del> 2-8	Antlerless	GMU 340	25
Cowiche C	Oct. <del>((4-10))</del> 2-8	Antlerless	GMU 368	10
Alkali C	Dec. <del>((7-14))</del> 4-11	Any buck	GMU 371	<del>((12))</del> TBA
Alkali D	Dec. <del>((7-14))</del> 4-11	Antlerless	GMU 371	15
Esquatzel A	Nov. 20 - Dec. 8	Any deer	GMU 381	100
East Klickitat B	Nov. 22-30	3 pt. min or antlerless	GMU 382	5
West Klickitat B	Nov. <del>((19))</del> 24 - Dec. 8	2 pt. min. or antlerless	GMU 578	30
Mossyrock B	Oct. <del>((4-10))</del> 2-8	Any deer	GMU 505	10
Stormking B	Oct. <del>((4-10))</del> 2-8	Any deer	GMU 510	5
South Rainier B	Oct. <del>((4-10))</del> 2-8	Any deer	GMU 513	5
Packwood B	Oct. <del>((4-10))</del> 2-8	Any deer	GMU 516	5
Winston B	Oct. <del>((4-10))</del> 2-8	Any deer	GMU 520	5
Yale B	Oct. <del>((4-10))</del> 2-8	Any deer	GMU 554	2
Toutle B	Oct. <del>((4-10))</del> 2-8	Any deer	GMU 556	3
Marble B	Oct. <del>((4-10))</del> 2-8	2 pt. min. or antlerless	GMU 558	2
Lewis River B	Oct. <del>((4-10))</del> 2-8	Any deer	GMU 560	5
Siouxon B	Oct. <del>((4-10))</del> 2-8	Any deer	GMU 572	5
Wind River C	Oct. <del>((4-10))</del> 2-8	2 pt. min. or antlerless	GMU 574	1
Grayback C	Oct. <del>((4-10))</del> 2-8	2 pt. min. or antlerless	GMU 588	15
North River B	Oct. 4-10	Any deer	GMU 658	5
<b>Archery Only Deer Permit Hunts (Only archery deer tag holders may apply.)</b>				
Chiwawa C	Nov. 20 - Dec. 8	Any buck	GMU 245	10
Entiat B	Nov. 20-Dec. 8	Any deer	GMU 247	300
Big Bend <del>((€))</del> B	Nov. 20 - Dec. 8	Any deer	GMU 248	10
Desert D	Nov. 16-30	Any deer	GMU 290	<del>((21))</del> TBA
Quilomene C	Nov. <del>((9))</del> 22 - Dec. <del>((2))</del> 5	Any deer	GMU 329	<del>((82))</del> TBA
Alkali E	Dec. <del>((15-28))</del> 12-26	Any deer	GMU 371	<del>((80))</del> TBA
Washougal A	Sept. <del>((15-30))</del> 16-30	Any deer	GMU 568	30
<b>Special Modern Firearm Deer Permit Hunts for Hunters 65 or older</b>				
Blue Mtns. Foothills B	Oct. <del>((11-19))</del> 16-24	3 pt. min. or antlerless	GMUs 145, 149	150
East Okanogan B	Oct. <del>((11-24))</del> 16-29	Any deer	GMU 204	<del>((10))</del> 5
Wannacut B	Oct. <del>((11-24))</del> 16-29	Any deer	GMU 209	<del>((10))</del> 5
Sinlahekin C	Oct. <del>((11-24))</del> 16-29	Any deer	GMU 215	<del>((10))</del> 5

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Hunt Name	<del>((2003))</del> 2004 Permit Season	Special Restrictions	Boundary Description	<del>((2003))</del> 2004 Permits
Chewuch B	Oct. <del>((11-24))</del> 16-29	Any deer	GMU 218	<del>((10))</del> 5
Pearygin B	Oct. <del>((11-24))</del> 16-29	Any deer	GMU 224	<del>((10))</del> 5
Gardner B	Oct. <del>((11-24))</del> 16-29	Any deer	GMU 231	<del>((10))</del> 5
Pogue B	Oct. <del>((11-24))</del> 16-29	Any deer	GMU 233	<del>((10))</del> 5
Chiliwist B	Oct. <del>((11-24))</del> 16-29	Any deer	GMU 239	<del>((10))</del> 5
Alta B	Oct. <del>((11-24))</del> 16-29	Any deer	GMU 242	<del>((10))</del> 5
Mission C	Oct. <del>((11-24))</del> 16-29	Any deer	GMU 251	<del>((10))</del> 5
Bridgeport A	Oct. <del>((11-19))</del> 16-24	Any deer	GMUs 248, 260	10
Palisades A	Oct. <del>((11-19))</del> 16-24	Any deer	GMUs 266, 269	10
Quilomene D	Nov. <del>((3-16))</del> 8-21	Antlerless	GMU 329	20
Umtanum A	Nov. <del>((3-16))</del> 8-21	Antlerless	GMU 342.	20
Bethel B	Oct. <del>((11-19))</del> 16-24	Antlerless	GMU 360	10
Kiona A	Oct. <del>((11-19))</del> 16-24	Antlerless	GMU 372	15
Esquatzel B	Oct. <del>((11-19))</del> 16-24	Antlerless	GMU 381	10
East Klickitat C	Oct. <del>((11-19))</del> 16-24	3 pt. min. or antlerless	GMU 382	15
Lincoln B	Oct. <del>((11-31))</del> 16-31	Any deer	GMU 501	5
Stella B	Oct. <del>((11-31))</del> 16-31	Any deer	GMU 504	5
Mossyrock C	Oct. <del>((11-31))</del> 16-31	Any deer	GMU 505	15
Stormking C	Oct. <del>((11-31))</del> 16-31	Any deer	GMU 510	5
South Rainier C	Oct. <del>((11-31))</del> 16-31	Any deer	GMU 513	5
Packwood C	Oct. <del>((11-31))</del> 16-31	Any deer	GMU 516	5
Winston C	Oct. <del>((11-31))</del> 16-31	Any deer	GMU 520	5
Yale C	Oct. <del>((11-31))</del> 16-31	Any deer	GMU 554	5
Toutle C	Oct. <del>((11-31))</del> 16-31	Any deer	GMU 556	10
Marble C	Oct. <del>((11-31))</del> 16-31	2 pt. min. or antlerless	GMU 558	5
Lewis River C	Oct. <del>((11-31))</del> 16-31	Any deer	GMU 560	5
Washougal B	Oct. <del>((11-19))</del> 16-31	Any deer	GMU 568	10
Siouxon C	Oct. <del>((11-31))</del> 16-31	Any deer	GMU 572	5
Wind River D	Oct. <del>((11-31))</del> 16-31	2 pt. min. or antlerless	GMU 574	2
West Klickitat C	Oct. <del>((11-31))</del> 16-31	2 pt. min. or antlerless	GMU 578	5
Grayback D	Oct. <del>((11-31))</del> 16-31	2 pt. min. or antlerless	GMU 588	<del>((20))</del> 10
Williams Creek	Oct. <del>((11-31))</del> 16-31	Any deer	GMU 673	20
Copalis	Oct. <del>((11-31))</del> 16-31	Any deer	GMU 642	20
North River C	Oct. <del>((11-31))</del> 16-31	Any deer	GMU 658	10
<b>Disabled Hunter Deer Permits</b>				
East Okanogan C	Restricted to general, early season by tag choice	Any deer	GMU 204	5
Wannacut C		Any deer	GMU 209	5
Sinlahekin D		Any deer	GMU 215	5
Chewuch C		Any deer	GMU 218	5
Pearygin C		Any deer	GMU 224	5
Gardner C		Any deer	GMU 231	5
Pogue C		Any deer	GMU 233	5
Chiliwist C		Any deer	GMU 239	5
Alta C		Any deer	GMU 242	5
Mission D		Oct. <del>((11-24))</del> 16-29	Any deer	GMU 251
Bridge Port B	Restricted to general, early season by tag choice	Any deer	GMUs 248, 260	5
Palisades B		Any deer	GMUs 266, 269	5
Quilomene E	Nov. <del>((3-16))</del> 8-21	Antlerless	GMU 329	10
Umtanum B	Nov. <del>((3-16))</del> 8-21	Antlerless	GMU 342	10
Nile B	Restricted to general, early season by tag choice	Antlerless	GMU 352	5
Kiona B		Antlerless	GMU 372	10
Esquatzel C		Antlerless	GMU 381	5
East Klickitat D		3 pt. min. or antlerless	GMU 382	5
Green River B		Oct. 30-Nov. 5	Any deer	GMU 485

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Hunt Name	<del>((2003))</del> 2004 Permit Season	Special Restrictions	Boundary Description	<del>((2003))</del> 2004 Permits
Lincoln C	Restricted to general, early season by tag choice	Any deer	GMU 501	3
Stella C		Any deer	GMU 504	3
Mossyrock D		Any deer	GMU 505	5
Stormking D		Any deer	GMU 510	3
South Rainier D		Any deer	GMU 513	3
Packwood D		Any deer	GMU 516	3
Winston D		Any deer	GMU 520	3
Yale D		Any deer	GMU 554	3
Toutle D		Any deer	GMU 556	5
Marble D		2 pt. min. or antlerless	GMU 558	2
Lewis River D		Any deer	GMU 560	2
Washougal C		Any deer	GMU 568	2
Siouxon D		Any deer	GMU 572	3
Wind River E		2 pt. min. or antlerless	GMU 574	1
West Klickitat D		2 pt. min. or antlerless	GMU 578	3
Grayback E		2 pt. min. or antlerless	GMU 588	10
Capitol Peak C		Any deer	GMU 663	30
Skookumchuck C		Any deer	GMU 667	30
North River D		Any deer	GMU 658	5
<b>Youth Special Deer Permit Hunts (Must be eligible for the youth hunting license and accompanied by an adult during the hunt.)</b>				
<b>Modern Firearm</b>				
Blue Mtns. Foothills E	Oct. <del>((11-19))</del> 16-24	3 pt. min. or antlerless	GMUs 149, 154, 162-163	100
Blue Mtns. Foothills F	Oct. <del>((11-19))</del> 16-24	3 pt. min. or antlerless	GMUs 145, 172-181	75
East Okanogan D	Oct. <del>((11-24))</del> 16-29	Any deer	GMU 204	<del>((110))</del> 40
Wannacut D	Oct. <del>((11-24))</del> 16-29	Any deer	GMU 209	20
Sinlahekin E	Oct. <del>((11-24))</del> 16-29	Any deer	GMU 215	<del>((150))</del> 45
Chewuch D	Oct. <del>((11-24))</del> 16-29	Any deer	GMU 218	<del>((200))</del> 75
Pearrygin D	Oct. <del>((11-24))</del> 16-29	Any deer	GMU 224	<del>((100))</del> 65
Gardner D	Oct. <del>((11-24))</del> 16-29	Any deer	GMU 231	<del>((60))</del> 25
Pogue D	Oct. <del>((11-24))</del> 16-29	Any deer	GMU 233	<del>((60))</del> 20
Chiliwist D	Oct. <del>((11-24))</del> 16-29	Any deer	GMU 239	<del>((60))</del> 40
Alta D	Oct. <del>((11-24))</del> 16-29	Any deer	GMU 242	<del>((110))</del> 45
Mission E	Oct. <del>((11-24))</del> 16-29	Any deer	GMU 251	100
Bridge Port C	Oct. <del>((11-19))</del> 16-24	Any deer	GMUs 248, 260	100
Palisades C	Oct. <del>((11-19))</del> 16-24	Any deer	GMUs 266, 269	100
Lakeview C	Oct. <del>((11-19))</del> 16-24	Any deer	Deer Area 2011	10
Wahluke A	Oct. <del>((11-19))</del> 16-24	Any deer	GMU 278	50
Quilomene F	Nov. <del>((3-16))</del> 8-21	Antlerless	GMU 329	75
Umtanum C	Nov. <del>((3-16))</del> 8-21	Antlerless	GMU 342	75
Cowiche D	Oct. <del>((11-19))</del> 16-24	Antlerless	GMU 368	15
Esquatzel D	Oct. <del>((11-19))</del> 16-24	Antlerless	GMU 381	10
<u>Whitcomb B</u>	<u>Sept. 11-17</u>	<u>Antlerless</u>	<u>Deer Area 3071</u>	<u>5</u>
<u>Paterson B</u>	<u>Sept. <del>((6-14))</del> 11-17</u>	<u>Antlerless</u>	<u>Deer Area 3072</u>	<u>5</u>
East Klickitat E	Oct. <del>((11-19))</del> 16-24	Any deer	GMU 382	20
Lincoln D	Oct. <del>((11-31))</del> 16-31	Any deer	GMU 501	10
Stella D	Oct. <del>((11-31))</del> 16-31	Any deer	GMU 504	10
Mossyrock E	Oct. <del>((11-31))</del> 16-31	Any deer	GMU 505	10
Stormking E	Oct. <del>((11-31))</del> 16-31	Any deer	GMU 510	10
South Rainier E	Oct. <del>((11-31))</del> 16-31	Any deer	GMU 513	10
Packwood E	Oct. <del>((11-31))</del> 16-31	Any deer	GMU 516	10
Winston E	Oct. <del>((11-31))</del> 16-31	Any deer	GMU 520	10
Yale E	Oct. <del>((11-31))</del> 16-31	Any deer	GMU 554	10
Toutle E	Oct. <del>((11-31))</del> 16-31	Any deer	GMU 556	60
Marble E	Oct. <del>((11-31))</del> 16-31	Any deer	GMU 558	10
Lewis River E	Oct. <del>((11-31))</del> 16-31	Any deer	GMU 560	10

PROPOSED

Hunt Name	<del>((2003))</del> 2004 Permit Season	Special Restrictions	Boundary Description	<del>((2003))</del> 2004 Permits
Washougal D	Oct. <del>((11-19))</del> 16-31	Any deer	GMU 568	10
Siouxon E	Oct. <del>((11-31))</del> 16-31	Any deer	GMU 572	10
Wind River F	Oct. <del>((11-31))</del> 16-31	Any deer	GMU 574	15
West Klickitat E	Oct. <del>((11-31))</del> 16-31	Any deer	GMU 578	15
Grayback F	Oct. <del>((11-31))</del> 16-31	Any deer	GMU 588	<del>((30))</del> 20
Satsop B	Oct. <del>((11-31))</del> 16-31	Any deer	GMU 651	10
Skookumchuck D	Oct. <del>((11-31))</del> 9-31	Any deer	GMU 667	60
North River E	Oct. <del>((11-31))</del> 16-31	Any deer	GMU 658	10
<b>Youth Special Deer Permit Hunts (Must be eligible for the youth hunting license and accompanied by an adult during the hunt.)</b>				
<b>Muzzleloader</b>				
East Okanogan D	Oct <del>((4-10))</del> 2-8	Any deer	GMU 204	<del>((25))</del> 5
Wannacut E	Oct <del>((4-10))</del> 2-8	Any deer	GMU 209	<del>((25))</del> 5
Pogue E	Oct <del>((4-10))</del> 2-8	Any deer	GMU 233	<del>((25))</del> 5
Chiliwist E	Oct <del>((4-10))</del> 2-8	Any deer	GMU 239	<del>((25))</del> 5
Mission F	Oct <del>((4-10))</del> 2-8	Any deer	GMU 251	20
Wahluke B	Oct <del>((4-10))</del> 2-8	Any deer	GMU 278	50
Ritzville ( <del>((Kahlotus))</del> ) C	Oct <del>((4-10))</del> 2-8	Any deer	GMU 284	50
<b>Special Deer Permits - Second Deer (<del>((B))</del>) Tag</b> (Open to all tag types during specified season. Successful applicants may purchase an appropriate second hunting license and tag for an antlerless animal only, within fifteen days of notification by the department. Failure to purchase within fifteen days forfeits the opportunity for a second license.)				
Hunt Name	<del>((B))</del> Second Tag Season	Special Restrictions	Boundary Description	<del>((B-Tags))</del> Permits
<del>((Huckleberry-B))</del> The Wedge	Restricted to general, early season by tag choice <u>Early and Late GMU 105</u> seasons by tag choice: & <u>Dec. 16-31, any tag</u>	<del>((Whitetail, antlerless))</del>	<del>((GMU 121))</del>	<del>((150))</del>
Mt. Spokane B		Whitetail, antlerless	Deer Areas 1030 and 1040 within GMU 105	400
Almota B		Whitetail, antlerless	GMU 124	400
Columbia		Antlerless	GMU 142	<del>((300))</del> 200
Islands		Whitetail, antlerless	Deer Area 1010, GMU 163	150
South Sound		Antlerless	GMU 410	100
Lakeview C		Antlerless	Vashon, Maury, and Anderson islands	125
	Jan. 1-31	Antlerless	Deer Area 2011	20
<b>(Open to modern firearm and archery tag types only. Successful applicants may purchase an appropriate second hunting license and tag for an antlerless animal only, within fifteen days of the published notification deadline by the department. Failure to purchase within fifteen days forfeits the opportunity for a second license.)</b>				
Mica Peak B	Restricted to general, early season by tag choice	Whitetail, antlerless	GMU 127	100
<b>Advanced Hunter Education (AHE) Master Hunter Special Elk Permit Hunts: Only AHE master hunters may apply; antlerless only hunts will not affect accumulated points; and in any elk tag hunts, any weapon may be used.</b>				
Lakeview D	Dec 9-31	Antlerless	Deer Area 2011	20

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

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 04-05-108**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed February 18, 2004, 10:11 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-01-187.

Title of Rule: To amend WAC 232-28-352 Elk general seasons and special permits.

Purpose: To amend WAC 232-28-352 Elk general seasons and special permits.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Elk general seasons are set on a three-year basis and permit seasons are adjusted annually. Both general and permit seasons can be adjusted annually in response to elk population changes and damage complaints.

Reasons Supporting Proposal: Provides recreational elk hunting opportunity and protects elk from overharvest. Addresses elk damage problems.



Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Natural Resources Building, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Assistant Director, Natural Resources Building, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Maintain general elk hunting season opportunities for 2004. Adjust special elk permits for 2004 in response to elk population changes and damage complaints.

Proposal Changes the Following Existing Rules: Maintains general elk hunting season opportunities for 2004. Adjust special elk permits for 2004 in response to elk population changes and damage complaints.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules regulate recreational hunters and do not directly regulate small business.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Red Lion Hotel "At the Park," 303 West North River Drive, Spokane, WA 99201, phone (509) 326-8000, on April 2-3, 2004, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Susan Yeager by March 29, 2004, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Attn: Wildlife Program April Meeting Public Comments, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by March 12, 2004.

Date of Intended Adoption: April 2, 2004.

February 18, 2004

Evan Jacoby

Rules Coordinator

**AMENDATORY SECTION** (Amending Order 03-129, filed 6/12/03, effective 7/13/03)

**WAC 232-28-352 2003-2005 Elk general seasons and ((2003)) special permits.**

**Bag Limit:** One (1) elk per hunter during the ((2003 hunting season)) license year except where otherwise permitted by fish and wildlife commission rule.

**Hunting Method:** Elk hunters must select only one of the hunting methods (modern firearm, archery, or muzzleloader).

**Elk Tag Areas:** Elk hunters must choose either Eastern or Western Washington to hunt in and buy the appropriate tag for that area.

**Any Bull Elk Seasons:** Open only to the taking of elk with visible antlers (bull calves are illegal).

**Spike Bull Restrictions:** Bull elk taken in these GMUs must have at least one antler that is a spike above the ears (does not branch above ears). An animal with branched antlers on both

sides is illegal but an animal with a spike on one side is legal in spike only units.

**Spike Only GMUs:** 145-154, 162-186, 249-251, 328, 329, and 335-368.

**3 Point Restriction:** Legal bull elk taken must have at least 3 antler points on one side only. Antler points may include eye guards, but at least 2 antler points must be on the upper half of the main beam. All antler points must be at least one (1) inch long, measured from the antler tip to nearest edge of the beam. Antler restrictions apply to all hunters during any open season.

**3 Point GMUs:** All of Western Washington except for GMUs 454, 564, 568, 574, 578, 588, and Elk Area 4941.

**Permit Only Units:** The following GMUs are closed during general seasons: 157, 371, 485, 522, 524, 556, 621, and 636.

**GMUs Closed to Elk Hunting:** 418, 437 (except for Elk Area 4941), and 490 ((485, and 522)).

**Private Lands Wildlife Management Areas (PLWMAs):** Buckrun (PLWMA 201), Kapowsin (PLWMA 401), and Merrill and Ring (PLWMA 600) are closed to hunting, except by permit or written permission from the landowner.

**Special Permits:** Only hunters with elk tag prefix identified in the Special Elk Permits tables may apply for special bull or antlerless permits. Please see permit table for tag eligibility. Hunters drawn for a special permit may hunt only with a weapon in compliance with their tag and during the dates listed for the hunt.

#### Elk Tag Areas

**Eastern Washington:** All 100, 200, and 300 GMUs except permit only for all hunters in GMUs 157 and 371. Modern firearm restrictions in GMU 334.

EA - Eastern Washington Archery Tag

EF - Eastern Washington Modern Firearm General Elk Tag

EM - Eastern Washington Muzzleloader Tag

**Western Washington:** All 400, 500, and 600 GMUs except closed in GMUs 418, 437 (except for Elk Area 4941), ((485,)) 490, ((522,)) and modern firearm restrictions in portions of GMU 660. GMU 554 is open only for early archery and muzzleloader seasons. Elk Area 6063 in GMU 638 (Quinault) is open to AHE hunters only. Elk hunting by permit only in GMUs 485, 522, 524, 556, 621, 636, and ((PLWMA)) PLWMAs 401 and 600 ((Pysht)).

WA - Western Washington Archery Tag

WF - Western Washington Modern Firearm General Elk Tag

WM - Western Washington Muzzleloader Tag

#### Modern Firearm Elk Seasons

**License Required:** A valid big game hunting license with an elk tag option.

**Tag Required:** Valid modern firearm elk tag as listed below on his/her person for the area hunted.

**Hunting Method:** May use modern firearm, bow and arrow, or muzzleloader, but only during modern firearm seasons.

PROPOSED

Hunt Area	Elk Area	Game Management Units (GMUs)	2003 Dates	2004 Dates	2005 Dates	Legal Elk
Eastern Washington	EF	111, 113, 117	Oct. 25 - Nov. 2	Oct. 30 - Nov. 7	Oct. 29 - Nov. 6	Any bull
		157, 371				Permit only
		145 through 154, 162 through 186, 249, 251, 328, 329, 335 through 368	Oct. 25 - Nov. 2	Oct. 30 - Nov. 7	Oct. 29 - Nov. 6	Spike bull
		372	Sept. 2-15	Sept. 7-19		((Any elk)) Antlerless
			Oct. 6-19	Oct. 4-17		((Any elk)) Antlerless
			Oct. 25 - Nov. 2 ((Nov. 22 - Dec. 31))	Oct. 30 - Nov. 7		Any elk ((Any elk))
		101, 105, 108, 121 through 142, and 382	Oct. 25 - Nov. 2	Oct. 30 - Nov. 7	Oct. 29 - Nov. 6	Any elk
Western Washington	WF	407, 448, 460, 466, 503 through 520, 530, 550, 558, 560, 572, 601 through 618, 624, 627 through 633, 638 through 663, and 667 through 684. Except AHE master hunters only in Elk Area 6063	Nov. 1-9	Nov. 6-14	Nov. 5-13	3 pt. min.
		501	Nov. 1-9	Nov. 6-14	Nov. 5-13	3 pt. min. or antlerless
		564, 568, 574 through 588, 666	Nov. 1-9	Nov. 6-14	Nov. 5-13	Any elk
		454	Nov. 1-9	Nov. 6-14	Nov. 5-13	Any bull
		485, 522, 524, 556, 621, 636, and PLWMA 600	((Nov. 1-9))	((Nov. 6-14))	((Nov. 5-13))	Permit only
		((Elk Area 6069. Hunters 65 and older, only))	((Jan. 1-10, 2004))	((Jan. 1-10, 2005))	((Jan. 1-10, 2006))	((Any elk))
		((Elk Area 6069. Hunters with disabilities, only))	((Jan. 15-20, 2004))	((Jan. 15-20, 2005))	((Jan. 15-20, 2006))	((Any elk))

**Archery Elk Seasons**

**License Required:** A valid big game hunting license with an elk tag option.

**Tag Required:** Valid archery elk tag as listed below on his/her person for the area hunted.

**Hunting Method:** Bow and arrow only as defined by WAC 232-12-054.

**Special Notes:** Archery tag holders can hunt only during archery seasons and must hunt with archery equipment (WAC 232-12-054). Archery elk hunters may apply for special bull permits. Please see permit table for tag eligibility for all elk permits.

Hunt Area	Elk Tag	Game Management Units (GMUs)	2003 Dates	2004 Dates	2005 Dates	Legal Elk
<b>Early Archery Elk Seasons</b>						
Eastern Washington	EA	101 through 142, 243, 247, 249, 250, 334	Sept. 8-21	Sept. 8-21	Sept. 8-21	Any elk
		145, 149, 162, 163 through 186	Sept. 8-21	Sept. 8-21	Sept. 8-21	Spike bull
		154, Elk Area 1010, Elk Area 1012, Elk Area 1013, 328, 329, 330, 335, 336, 340, 352, 356, 364	Sept. 8-21	Sept. 8-21	Sept. 8-21	Spike bull or antlerless
Western Washington	WA	454, 564, 568, 574, 578, 588, 652, 666	Sept. 8-21	Sept. 8-21	Sept. 8-21	Any elk
		407, 448, 501 through 505, 550, 554, 558, 560, 572, 624, Elk Area 6061, 654, 660, 663, 667 through 673, 684, and 699	Sept. 8-21	Sept. 8-21	Sept. 8-21	3 pt. min. or antlerless

PROPOSED

Hunt Area	Elk Tag	Game Management Units (GMUs)	2003 Dates	2004 Dates	2005 Dates	Legal Elk
		460, 466, 506, 510, 513, 516, 520, 530, 601, 602, 603, 607, 612 through 618, 624 through 633, 638 through 648, 651, 653, 658, and 681. AHE hunters only in Elk Area 6063. Permit only in PLWMA 600 in GMU 603	Sept. 8-21	Sept. 8-21	Sept. 8-21	3 pt. min.
<b>Late Archery Elk Seasons</b>						
Eastern Washington	EA	101, 105, 117 through 127	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Any elk
		372	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Any elk
		178, 186	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Antlerless only
		328, 335, 336, 346, 352, 364, 368	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Spike bull or antlerless
		Elk Area 3010	Nov. 20 - Jan. 31, 2004	Nov. 20 - Jan. 31, 2005	Nov. 20 - Jan. 31, 2006	Antlerless only
Western Washington	WA	407, 503, 505, 667, 672, 681, Elk Area 6066 in GMU 660, and 699. Elk Area 6064, except AHE master hunters only in Elk Area 6063 in GMU 638	Nov. 19 - Dec. 15	Nov. 24 - Dec. 15	Nov. 23 - Dec. 15	3 pt. min. or antlerless
		454, 564, 588, 666	Nov. 19 - Dec. 15	Nov. 24 - Dec. 15	Nov. 23 - Dec. 15	Any elk
		603, 612, 615, 638, and 648, except closed in PLWMA 600 in GMU 603	Nov. 19 - Dec. 15	Nov. 24 - Dec. 15	Nov. 23 - Dec. 15	3 pt. min.
		506, 520, 530	Nov. 19 - Dec. 7	Nov. 24 - Dec. 7	Nov. 23 - Dec. 7	3 pt. min. or antlerless
		506, 520, 530	Dec. 8-15	Dec. 8-15	Dec. 8-15	3 pt. min.

**Muzzleloader Elk Seasons**

**License Required:** A valid big game hunting license with an elk tag option.

**Tag Required:** Valid muzzleloader elk tag as listed below on his/her person for the area hunted.

**Hunting Method:** Muzzleloader only as defined by WAC 232-12-051.

**Special Notes:** Muzzleloader tag holders can only hunt during the muzzleloader seasons and must hunt with muzzleloader equipment. Only hunters with tags identified in the Special Elk Permits tables may apply for special elk permits.

Hunt Area	Elk Tag	Game Management Units (GMUs)	2003 Dates	2004 Dates	2005 Dates	Legal Elk
<b>Early Muzzleloader Elk Seasons</b>						
Eastern Washington	EM	111, 113, 247	Oct. 4-10	Oct. 2-8	Oct. 1-7	Any bull
		101 through 108, 121 through 142	Oct. 4-10	Oct. 2-8	Oct. 1-7	Any elk
		172, 245, 250, ((254)) Elk Area 2051, 335 through 342, 352 through 360, 368	Oct. 4-10	Oct. 2-8	Oct. 1-7	Spike bull
Western Washington	WM	454, 564, 568, 574, 578, 666, 684	Oct. 4-10	Oct. 2-8	Oct. 1-7	Any elk
		460, 504, 513, 530, 554, 602, 603, 607, 654, 660, 672	Oct. 4-10	Oct. 2-8	Oct. 1-7	3 pt. min.
		501, 652, 663, 667	Oct. 4-10	Oct. 2-8	Oct. 1-7	3 pt. min. or antlerless
<b>Late Muzzleloader Elk Seasons</b>						
Eastern Washington	EM	130 through 142	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Any elk
Western Washington	WM	501, 503, 505, 652	Nov. 19 - Dec. 8	Nov. 24 - Dec. 8	Nov. 23 - Dec. 8	3 pt. min. or antlerless
		454, 564, 568, 666, 684	Nov. 19 - Dec. 15	Nov. 24 - Dec. 15	Nov. 23 - Dec. 15	Any elk
		574, 578	Nov. 19-30	Nov. 24-30	Nov. 23-30	Any elk
		504, 550, 601, 667	Nov. 19 - Dec. 15	Nov. 24 - Dec. 15	Nov. 23 - Dec. 15	3 pt. min.

**Special Elk Hunts Open to Specified Tag Holders**

**License Required:** A valid big game hunting license with an elk tag option.

**Tag Required:** Proper elk tags are listed with each GMU below.

**Hunting Method:** Hunters must use method listed on their tag, except in firearm restriction areas, where some types of weapons are banned from use. See elk tag required, dates, and legal elk in table below. In firearm restriction areas modern firearm hunters may hunt with a muzzleloader equipped with a scope.

PROPOSED

Hunt Area	Elk Tag	Game Management Units (GMUs)	2003 Dates	2004 Dates	2005 Dates	Legal Elk
Eastern Washington	EA, EM, EF	127 through 142, advanced hunter education master hunters only	Dec. 9-31	Dec. 9-31	Dec. 9-31	Any elk
		203-248, 250, 254-290, and 381 except closed within 1/2 mile of the Columbia River in Douglas and Grant counties	Oct. 28 - Nov. 15	Oct. 27 - Nov. 15	Oct. 26 - Nov. 15	Any elk
	EA, EM, EF	Elk Areas 3911 and 3912 advanced hunter education master hunters only	Aug. 1 - Feb. 28, 2004	Aug. 1 - Feb. 28, 2005	Aug. 1 - Feb. 28, 2006	Antlerless only
		371 advanced hunter education master hunters only		Oct. 11-Nov. 19		Antlerless only
Western Washington	WM	Elk Area 4941 (muzzleloader only)	Nov. 1 - Jan. 31, 2004	Nov. 1 - Jan. 31, 2005	Nov. 1 - Jan. 31, 2006	Any elk
	WA	Elk Area 4941 (archery only)	Oct. 1-31	Oct. 1-31	Oct. 1-31	Any elk

**Special Elk Permit Hunting Seasons**

**(Open to Permit Holders Only)**

Permit hunters may hunt only with a weapon in compliance with their tag. Applicants must have purchased the proper tag for these hunts (see elk tag prefix required to apply for each hunt).

Hunt Name	<del>((2003))</del> 2004 Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description	<del>((2003))</del> 2004 Permits
<b>Modern Firearm Bull Permit Hunts (Only modern firearm elk tag holders may apply.)</b>					
Blue Creek A	Oct. 25-Nov. 7	Any bull	EF	GMU 154	3
Watershed	<del>((Nov. 1-9))</del> Oct. 30-Nov. 7	3 pt. min. or Antlerless	EA, EF, EM	GMU 157	40
Dayton A	Oct. 25-Nov. 7	Any bull	EF	GMU 162	3
Wenaha A	Oct. 25 - Nov. <del>((2))</del> 7	Any bull	EF	GMU 169	<del>((5))</del> 4
Mountain View A	Oct. 25 - Nov. <del>((2))</del> 7	Any bull	EF	GMU 172	<del>((4))</del> 5
Mission	Oct. 25 - Nov. <del>((2))</del> 7	Any bull	EF	GMU 251	<del>((5))</del> 10
Naneum A	<del>((Oct. 20 - Nov. 2))</del> Oct. 25-Nov. 7	Any bull	EF	GMU 328	19
Quilomene A	<del>((Oct. 20 - Nov. 2))</del> Oct. 25-Nov. 7	Any bull	EF	GMU 329	<del>((20))</del> 18
Teanaway A	<del>((Oct. 20 - Nov. 2))</del> Oct. 25-Nov. 7	Any bull	EF	GMU 335	12
Peaches Ridge A	<del>((Oct. 20 - Nov. 2))</del> Oct. 25-Nov. 7	Any bull	EF	GMUs 336, 346	<del>((98))</del> 152
Little Naches A	Oct. 1-10	Any bull	EF	GMU 346	20
Observatory A	<del>((Oct. 20 - Nov. 2))</del> Oct. 25-Nov. 7	Any bull	EF	GMUs 340, 342	<del>((54))</del> 77
Goose Prairie A	<del>((Oct. 20 - Nov. 2))</del> Oct. 25-Nov. 7	Any bull	EF	GMUs 352, 356	<del>((205))</del> 94
Bethel A	<del>((Oct. 20 - Nov. 2))</del> Oct. 25-Nov. 7	Any bull	EF	GMU 360	<del>((130))</del> 48
Rimrock A	<del>((Oct. 20 - Nov. 2))</del> Oct. 25-Nov. 7	Any bull	EF	GMU 364	<del>((125))</del> 118
Cowiche A	<del>((Oct. 20 - Nov. 2))</del> Oct. 25-Nov. 7	Any bull	EF	GMU 368	<del>((33))</del> 25
Green River	Nov. 6-14	Any bull	WF	GMU 485	1
Margaret A	Nov. <del>((1-9))</del> 6-14	3 pt. min.	WF	GMU 524	<del>((18))</del> 22
Toutle A	Nov. <del>((1-9))</del> 6-14	3 pt. min.	WF	GMU 556	89
Matheny	Oct. 1-10	3 pt. min.	WA, WF, WM	GMU 618	3
Olympic A	Nov. 1-9	3 pt. min.	WF	GMU 621	21
Skokomish A	Nov. 1-9	3 pt. min.	WF	GMU 636	<del>((3))</del> 6
<b>Modern Firearm Elk Permit Hunts (Only modern firearm elk tag holders may apply.)</b>					
Aladdin A	<del>((Oct. 25 - Nov. 2))</del> Oct. 30-Nov. 7	Any elk	EF	GMU 111	10
Selkirk A	<del>((Oct. 25 - Nov. 2))</del> Oct. 30-Nov. 7	Any elk	EF	GMU 113	10
49 Degrees North	<del>((Oct. 25 - Nov. 2))</del> Oct. 30-Nov. 7	Any elk	EF	GMU 117	15
Blue Creek <del>((A))</del> B	<del>((Oct. 25 - Nov. 2))</del> Oct. 30-Nov. 7	Antlerless	EF	GMUs 149, 154	100
Dayton <del>((A))</del> B	<del>((Oct. 25 - Nov. 2))</del> Oct. 30-Nov. 7	Antlerless	EF	GMU 163 and Elk Area 1011	200
Dayton <del>((B))</del> C	<del>((Oct. 25 - Nov. 2))</del> Oct. 30-Nov. 7	Antlerless	EF	GMU 149 and Elk Area 1012	75
Couse A	Sept. 1-10	Antlerless	EF	GMU 181	25
Couse B	Oct. 1-10	Antlerless	EF	GMU 181	25
Mt. View B.	Oct. 30-Nov. 7	Antlerless	EF	Elk Area 1013	50

Hunt Name	<del>((2003))</del> 2004 Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description	<del>((2003))</del> 2004 Permits
Malaga A	<del>((Aug. 16 - Sept. 28))</del> Aug. 14-Sept. 26	Antlerless	EF	Elk Area 2032	100
Malaga B	<del>((Sept. 6-21))</del> Sept. 6-Oct. 1	Any elk	EF	Elk Area 2032	<del>((5))</del> 10
Malaga C	<del>((Nov. 3 - Jan. 31, 2004))</del> Nov. 8-Feb. 28, 2005	Antlerless	EF	Elk Area 2032	150
Malaga D	<del>((Nov. 3-16))</del> Nov. 8-Dec. 19	Any elk	EF	Elk Area 2032	<del>((5))</del> 10
Malaga E	<del>((Dec. 13-21))</del> Dec. 20-Feb. 28, 2005	Any elk	EF	Elk Area 2032	<del>((5))</del> 15
<del>((Malaga-F))</del>	<del>((Jan. 1-18, 2004))</del>	<del>((Any elk))</del>	<del>((EF))</del>	<del>((Elk Area 2032))</del>	<del>((5))</del>
Peshastin A	Aug. 16-25	Antlerless	EF	Elk Area 2033	20
<del>((Peshastin-B))</del>	<del>((Aug. 18-25))</del>	<del>((Any elk))</del>	<del>((EF))</del>	<del>((Elk Area 2033))</del>	<del>((5))</del>
Peshastin <del>((C))</del> B	<del>((Sept. 16 - Oct. 3))</del> Sept. 15-Oct. 1	Antlerless	EF	Elk Area 2033	20
Peshastin <del>((D))</del> C	Sept. <del>((21-29))</del> 22-30	Any elk	EF	Elk Area 2033	5
Peshastin <del>((E))</del> D	Nov. 30 - <del>((Jan. 31, 2004))</del> Feb. 28, 2005	Antlerless	EF	Elk Area 2033	<del>((20))</del> 30
Peshastin <del>((F))</del> E	Dec. 15 - <del>((Jan. 31, 2004))</del> Feb. 28, 2005	Any elk	EF	Elk Area 2033	<del>((5))</del> 10
West Bar A	<del>((Oct. 25-29))</del> Oct. 30-Nov. 3	Antlerless	EF	GMU 330	10
West Bar B	<del>((Oct. 30 - Nov. 2))</del> Nov. 4-7	Antlerless	EF	GMU 330	10
Colockum A	Oct. 9-15	Antlerless	EF	Elk Area 3028	35
Teanaway B	<del>((Oct. 25 - Nov. 2))</del> Nov. 3-7	Antlerless	EF	GMU 335	30
Taneum A	<del>((Oct. 25 - Nov. 2))</del> Nov. 3-7	Antlerless	EF	GMU 336	<del>((200))</del> 175
Manastash A	<del>((Oct. 25 - Nov. 2))</del> Nov. 3-7	Antlerless	EF	GMU 340	<del>((400))</del> 375
Umtanum A	<del>((Oct. 25 - Nov. 2))</del> Nov. 3-7	Antlerless	EF	GMU 342	<del>((400))</del> 375
Cleman	Dec. 9-31	Antlerless	EF	Elk Area 3944	<del>((100))</del> 70
Little Naches B	<del>((Oct. 25 - Nov. 2))</del> Nov. 3-7	Antlerless	EF	GMU 346	<del>((250))</del> 225
Nile A	<del>((Oct. 25 - Nov. 2))</del> Nov. 3-7	Antlerless	EF	GMU 352	<del>((160))</del> 50
Bumping B	<del>((Oct. 25 - Nov. 2))</del> Nov. 3-7	Antlerless	EF	GMU 356	<del>((140))</del> 100
Bethel B	<del>((Oct. 25 - Nov. 2))</del> Nov. 3-7	Antlerless	EF	GMU 360	100
Rimrock B	<del>((Oct. 25 - Nov. 2))</del> Nov. 3-7	Antlerless	EF	GMU 364	200
Cowiche B	<del>((Oct. 25 - Nov. 2))</del> Nov. 3-7	Antlerless	EF	GMU 368	200
Alkali A	Oct. 25 - Nov. <del>((2))</del> 7	Any elk	EF	GMU 371	<del>((100))</del> 25
Alkali B	Sept. 7-30	Antlerless	EF	GMU 371	25
Green River Watershed		Any elk	WF	GMU 485	1
Willapa Hills A	Nov. <del>((1-9))</del> 6-14	Antlerless	WF	GMU 506	35
Raymond A	Nov. 6-10	3 pt. min. or antlerless	WF	Elk Area 6010	20
Raymond B	Dec. 16-31	Antlerless	WF	Elk Area 6010	30
Raymond C	Jan. 1-31, 2004	Antlerless	WF	Elk Area 6010	15
Raymond D	Feb. 1-28, 2004	Antlerless	WF	Elk Area 6010	15
Winston A	Nov. <del>((1-9))</del> 6-14	Antlerless	WF	GMU 520	12
Margaret B	Nov. <del>((1-9))</del> 6-14	Antlerless	WF	GMU 524	<del>((20))</del> 25
Ryderwood A	Nov. <del>((1-9))</del> 6-14	Antlerless	WF	GMU 530	32
Cowecman A	Nov. <del>((1-9))</del> 6-14	Antlerless	WF	GMU 550	15
Toutle B	Nov. <del>((1-9))</del> 6-14	Antlerless	WF	GMU 556	35
Marble A	Nov. <del>((1-9))</del> 6-14	Antlerless	WF	GMU 558	50
Carlton	Oct. 1-10	3 pt. min.	WF	Elk Area 5057	5
West Goat Rocks	Oct. 1-10	3 pt. min.	WF	Elk Area 5058	5
Mt. Adams	Oct. 1-10	3 pt. min.	WF	Elk Area 5059	5
Lewis River A	Nov. <del>((1-9))</del> 6-14	Antlerless	WF	GMU 560	60
Siouxon A	Nov. <del>((1-9))</del> 6-14	Antlerless	WF	GMU 572	40
Dungeness A	Oct. 1-15	Any elk	WF	Elk Area 6071	10

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Hunt Name	<del>((2003))</del> 2004 Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description	<del>((2003))</del> 2004 Permits
Dungeness B	Nov. 1-15	Any elk	WF	Elk Area 6071	10
Dungeness C	Jan. 5-20, 2004	Any elk	WF	Elk Area 6071	20
Dungeness D	Feb. 1-15, 2004	Any elk	WF	Elk Area 6071	20
Twin Satsop A	Dec. 1-15	Antlerless	WF	Elk Area 6061	30
Twin Satsop B	Jan. 5-15, 2004	Antlerless	WF	Elk Area 6061	10
Chehalis Valley A	Sept. 15-30	Antlerless	WF	Elk Area 6066	10
Chehalis Valley B	Oct. 1-31	Antlerless	WF	Elk Area 6066	10
Chehalis Valley C	Nov. 6-10	Antlerless	WF	Elk Area 6066	30
Chehalis Valley D	Nov. 15-30	Antlerless	WF	Elk Area 6066	15
Chehalis Valley E	Feb. 1-28, 2004	Antlerless	WF	Elk Area 6066	15
North Minot A	Oct. 20-31	Antlerless	WF	Elk Area 6067	60
Deschutes	Jan. 15-23, 2004	Antlerless	WF	GMU 666	10
Williams Creek	Nov. 5-9	Antlerless	WF	GMU 673	40
North Shore A	Nov. 5-9	Antlerless	WF	Elk Area 6068	5
<b>Muzzleloader Bull Permit Hunts (Only muzzleloader elk tag holders may apply.)</b>					
Note: Fire closures may limit access during early October seasons.					
Blue Creek C	Oct. 1-10	Any bull	EM	GMU 154	1
Dayton D	Oct. 1-10	Any bull	EM	GMU 162	1
Wenaha B	Oct. <del>((4-10))</del> 1-10	Any bull	EM	GMU 169	<del>((4))</del> 1
Mountain View <del>((B))</del> C	Oct. <del>((4-10))</del> 1-10	Any bull	EM	GMU 172	<del>((4))</del> 2
Naneum B	Oct. <del>((4-10))</del> 1-10	Any bull	EM	GMU 328	4
Quilomene B	Oct. <del>((4-10))</del> 1-10	Any bull	EM	GMU 329	5
Teanaway C	Oct. <del>((4-10))</del> 1-10	Any bull	EM	GMU 335	3
Peaches Ridge B	Oct. <del>((4-10))</del> 1-10	Any bull	EM	GMUs 336, 346	<del>((15))</del> 21
Observatory B	Oct. <del>((4-10))</del> 1-10	Any bull	EM	GMUs 340, 342	<del>((14))</del> 50
Goose Prairie B	Oct. <del>((4-10))</del> 1-10	Any bull	EM	GMUs 352, 356	<del>((35))</del> 15
Bethel C	Oct. <del>((4-10))</del> 1-10	Any bull	EM	GMU 360	<del>((23))</del> 9
Rimrock C	Oct. <del>((4-10))</del> 1-10	Any bull	EM	GMU 364	<del>((20))</del> 18
Cowiche C	Oct. <del>((4-10))</del> 1-10	Any bull	EM	GMU 368	<del>((10))</del> 9
Margaret C	Oct. <del>((4-10))</del> 2-8	3 pt. min.	WM	GMU 524	<del>((4))</del> 5
Toutle C	Oct. <del>((4-10))</del> 2-8	3 pt. min.	WM	GMU 556	<del>((18))</del> 17
Olympic B	Oct. 4-10	3 pt. min.	WM	GMU 621	<del>((4))</del> 3
Skokomish B	Oct. 4-10	3 pt. min.	WM	GMU 636	<del>((2))</del> 6
<b>Muzzleloader Permit Hunts (Only muzzleloader elk tag holders may apply.)</b>					
Aladdin B	Oct. <del>((4-10))</del> 2-10	Any elk	EM	GMU 111	10
Selkirk B	Oct. <del>((4-10))</del> 2-10	Any elk	EM	GMU 113	<del>((10))</del> 20
Blue Creek <del>((B))</del> C	<del>((Dec. 1, 2003 - Jan. 31, 2004))</del> Dec. 9, 2004-Jan. 31, 2005	Antlerless	EM	GMUs 149, 154	60
Columbia A	Dec. 1-31	Antlerless	EM	Elk Area 1011 and GMU 163	100
Columbia B	Jan. 1-31, <del>((2004))</del> 2005	Antlerless	EM	Elk Area 1011 and GMU 163	100
Columbia C	Dec. 20, 2004 - Jan. 31, <del>((2004))</del> 2005	Antlerless	EM	Elk Area 1012 and GMU 149	60
Mountain View D	Oct. 2-8	Antlerless	EM	Elk Area 1013	20
West Bar C	Oct. 1-10	Antlerless	EM	GMU 330	10
Teanaway D	Oct. <del>((4-10))</del> 2-8	Antlerless	EM	GMU 335	50
Taneum B	Oct. <del>((4-10))</del> 2-8	Antlerless	EM	GMU 336	<del>((150))</del> 25
Manastash B	Oct. <del>((4-10))</del> 2-8	Antlerless	EM	GMU 340	<del>((150))</del> 25
Umtanum B	Oct. <del>((4-10))</del> 2-8	Antlerless	EM	GMU 342	<del>((300))</del> 275
Nile B	Oct. <del>((4-10))</del> 2-8	Antlerless	EM	GMU 352	<del>((50))</del> 40
Bumping B	Oct. <del>((4-10))</del> 2-8	Antlerless	EM	GMU 356	<del>((100))</del> 90
Bethel D	Oct. <del>((4-10))</del> 2-8	Antlerless	EM	GMU 360	<del>((50))</del> 40
Cowiche D	Oct. <del>((4-10))</del> 2-8	Antlerless	EM	GMU 368	250

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Hunt Name	<del>((2003))</del> 2004 Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description	<del>((2003))</del> 2004 Permits
Alkali <del>((B))</del> C	Oct. <del>((4-10))</del> 1-10	Any elk	EM	GMU 371	<del>((50))</del> 25
Stella A	Nov. <del>((26))</del> 24 - Dec. 15	Antlerless	WM	GMU 504	75
Stella B	Jan. 1-16, <del>((2004))</del> 2005	Antlerless	WM	GMU 504	50
Toledo A	Jan. 1-16, <del>((2004))</del> 2005	Antlerless	WM	Elk Area 5029	30
Malaga <del>((G))</del> F	Oct. <del>((4-24))</del> 2-22	Antlerless	EM	Elk Area 2032	100
Malaga <del>((H))</del> G	Oct. <del>((4-24))</del> 2-22	Any elk	EM	Elk Area 2032	<del>((40))</del> 15
Mossyrock A	Jan. 1-16, <del>((2004))</del> 2005	Antlerless	WM	Elk Area 5052	20
Randle A	Jan. 1-16, <del>((2004))</del> 2005	Antlerless	WM	Elk Area 5053	15
Boistfort	Jan. 1-16, <del>((2004))</del> 2005	Antlerless	WM	Elk Area 5054	40
Willapa Hills B	<del>((Nov. 19 - Dec. 14))</del> Nov. 24-Dec. 15	Antlerless	WM	GMU 506	15
Green Mt. A	Jan. 1-16, <del>((2004))</del> 2005	Antlerless	WM	Elk Area 5051	30
Winston B	<del>((Nov. 19 - Dec. 14))</del> Nov. 24-Dec. 15	Antlerless	WM	GMU 520	3
Margaret D	<del>((Nov. 19 - Dec. 14))</del> Nov. 24-Dec. 15	Antlerless	WM	GMU 524	<del>((5))</del> 10
Ryderwood B	Oct. <del>((4-10))</del> 2-8	Antlerless	WM	GMU 530	8
Cowecman B	<del>((Nov. 19 - Dec. 14))</del> Nov. 24-Dec. 15	Antlerless	WM	GMU 550	5
Toutle D	<del>((Nov. 19 - Dec. 14))</del> Nov. 24-Dec. 15	Antlerless	WM	GMU 556	10
Marble B	Oct. <del>((4-10))</del> 2-8	Antlerless	WM	GMU 558	10
Lewis River B	Oct. <del>((4-10))</del> 2-8	Antlerless	WM	GMU 560	15
Siouxon B	Oct. <del>((4-10))</del> 2-8	Antlerless	WM	GMU 572	10
Yale	Nov. <del>((26))</del> 24 - Dec. 15	3 pt. min. or antlerless	WM	GMU 554	75
Twin Satsop C	Oct. 6-10	Antlerless	WM	Elk Area 6061	10
North River	Nov. 26 - Dec. 15	Antlerless	WM	GMU 658	20
North Minot B	Oct. <del>((6-10))</del> 2-8	Antlerless	WM	Elk Area 6067	60
Raymond E	Oct. 1-31	Antlerless	WM	Elk Area 6010	30
Chehalis Valley	Jan. 1-31, 2004	Antlerless	WM	Elk Area 6066	15
Capitol Peak A	Nov. 19 - Dec. 15	Antlerless	WM	GMU 663	10
Capitol Peak B	Dec. 16-31	Antlerless	WM	GMU 663	10
<b>Archery Permit Hunts (Only archery elk tag holders may apply.)</b>					
Note: Fire closures may limit access during September seasons.					
Blue Creek D	Sept. 8-21	Any bull	EA	GMU 154	2
Dayton E	Sept. 8-21	Any bull	EA	GMU 162	3
Wenaha C	Sept. 8-21	Any bull	EA	GMU 169	2
Mountain View <del>((E))</del> E	Sept. 8-21	Any bull	EA	GMU 172	<del>((4))</del> 6
Naneum C	Sept. 8-21	Any bull	EA	GMU 328	<del>((44))</del> 30
Quilomene C	Sept. 8-21	Any bull	EA	GMU 329	<del>((35))</del> 41
Teanaway E	Sept. 8-21	Any bull	EA	GMU 335	<del>((64))</del> 31
Peaches Ridge C	Sept. 8-21	Any bull	EA	GMUs 336, 346	<del>((122))</del> 180
Observatory C	Sept. 8-21	Any elk	EA	GMUs 340, 342	<del>((65))</del> 106
Goose Prairie C	Sept. 8-21	Any bull	EA	GMUs 352, 356	<del>((419))</del> 188
Bethel E	Sept. 8-21	Any bull	EA	GMU 360	<del>((120))</del> 43
Rimrock D	Sept. 8-21	Any bull	EA	GMU 364	<del>((113))</del> 118
Cowiche E	Sept. 8-21	Any bull	EA	GMU 368	<del>((27))</del> 24
Peshastin G	Sept. <del>((8-24))</del> 1-14	Any elk	EA	Elk Area 2033	<del>((20))</del> 30
Margaret E	Sept. 8-21	3 pt. min.	WA	GMU 524	<del>((7))</del> 9
Toutle E	Sept. 8-21	3 pt. min.	WA	GMU 556	58
Olympic C	Sept. 8-21	3 pt. min.	WA	GMU 621	6
Mashel A	Jan. 1-15, <del>((2004))</del> 2005	Antlerless	WA	Elk Area 6054	<del>((40))</del> 25

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Hunt Name	<del>(2003)</del> 2004 Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description	<del>(2003)</del> 2004 Permits
Skokomish C	Sept. 8-21	3 pt. min.	WA	GMU 636	<del>(3)</del> 6
Dungeness E	Sept. 2-15	Any elk	WA	Elk Area 6071	20
Dungeness F	Sept. 16-30	Any elk	WA	Elk Area 6071	20
Dungeness G	Nov. 19 - Dec. 15	Any elk	WA	Elk Area 6071	20
Dungeness H	Dec. 16-31	Any elk	WA	Elk Area 6071	20
<b>Advanced Hunter Education (AHE) Master Hunter Special Elk Permit Hunts: <del>((only))</del> Only AHE master hunters may apply(<del>(h)</del>); antlerless only hunts will not affect accumulated points; and in any elk tag hunts, any weapon may be used.</b>					
Toledo B	Jan. 17-31, <del>(2004)</del> 2005	Antlerless	Any elk tag	Elk Area 5029	20
<del>((Coloekum-A))</del>	<del>((Oct. 4-10))</del>	<del>((Antlerless))</del>	<del>((EM-))</del>	<del>((Elk Area 3028-excluding Arthur Coffin Game Reserve))</del>	<del>((40))</del>
<del>((Coloekum-B))</del>	<del>((Nov. 8-14))</del>	<del>((Antlerless))</del>	<del>((EF-))</del>	<del>((Elk Area 3028-excluding Arthur Coffin Game Reserve))</del>	<del>((40))</del>
<u>Peshastin F</u>	<u>Aug. 18-25</u>	<u>Any elk</u>	<u>Any elk tag</u>	<u>Elk Area 2033</u>	<u>5</u>
Mossyrock B	Jan. 17-31, 2004	Antlerless	Any elk tag	Elk Area 5052	20
Randle B	Jan. 17-31, 2004	Antlerless	Any elk tag	Elk Area 5053	15
Quinault Ridge	Oct. 1-10	3 pt. min. or antlerless	Any elk tag	GMU 638	5
Green Mt. B	Jan. 17-31, <del>(2004)</del> 2005	Antlerless	Any elk tag	Elk Area 5051	20
Merwin A	Nov. <del>((26))</del> 24 - Dec 15	Antlerless	Any elk tag	Elk Area 5055	10
Merwin B	Jan. 17-31, <del>(2004)</del> 2005	Antlerless	Any elk tag	Elk Area 5055	10
Grays River A	Sept. 15-30	Antlerless	Any elk tag	Elk Area 5056	<del>((10))</del> 8
<del>((Grays River B))</del>	<del>((Oct. 1-15))</del>	<del>((Antlerless))</del>	<del>((Any elk tag))</del>	<del>((Elk Area 5056))</del>	<del>((10))</del>
Grays River <del>((C))</del> B	Oct. 16-31	Antlerless	Any elk tag	Elk Area 5056	<del>((10))</del> 8
Grays River <del>((D))</del> C	Dec. 16-31	Antlerless	Any elk tag	Elk Area 5056	<del>((10))</del> 8
Grays River <del>((E))</del> D	Jan. 1-15, <del>(2004)</del> 2005	Antlerless	Any elk tag	Elk Area 5056	<del>((10))</del> 8
Grays River <del>((F))</del> E	Jan. 16-31, <del>(2004)</del> 2005	Antlerless	Any elk tag	Elk Area 5056	<del>((10))</del> 8
Grays River <del>((G))</del> F	Feb. 1-14, <del>(2004)</del> 2005	Antlerless	Any elk tag	Elk Area 5056	<del>((10))</del> 8
Grays River <del>((H))</del> G	<del>((Feb. 15-29, 2004))</del> <u>Feb. 15-28, 2005</u>	Antlerless	Any elk tag	Elk Area 5056	<del>((10))</del> 8
<b>Persons of Disability Only - Special Elk Permit Hunts</b>					
Observatory D	<del>((Oct. 20 - Nov. 2))</del> <u>Oct. 25-Nov. 7</u>	Any elk	EF or EM	GMUs 340, 342	<del>((6))</del> 7
Little Naches C	Oct. 1-10	Any elk	EF, EM, EA	GMU 346	<del>((6))</del> 5
Little Naches D	<del>((Oct. 29 - Nov. 2))</del> <u>Nov. 3-7</u>	Antlerless	EF, EM, EA	GMU 346	<del>((10))</del> 8
<u>Mudflow A</u>	<u>Nov. 22-28</u>	<u>Antlerless</u>	<u>Any elk tag</u>	<u>Elk Area 5099</u>	<u>5</u>
<u>Mudflow B</u>	<u>Nov. 29-Dec. 5</u>	<u>Antlerless</u>	<u>Any elk tag</u>	<u>Elk Area 5099</u>	<u>5</u>
Centralia Mine A	Oct. <del>((26-27))</del> <u>23-24</u>	Antlerless	Any elk tag	Elk Area 6011	2
Centralia Mine B	<del>((Nov. 2-3))</del> <u>Oct. 30-31</u>	Antlerless	Any elk tag	Elk Area 6011	2
North Shore B	Oct. 1-31	Antlerless	Any elk tag	Elk Area 6068	5
North Shore C	Dec. 16-31	Antlerless	Any elk tag	Elk Area 6068	5
North Shore D	Jan. 1-31, 2004	Antlerless	Any elk tag	Elk Area 6068	5
North Shore E	Feb. 1-28, 2004	Antlerless	Any elk tag	Elk Area 6068	5
Chehalis Valley F	Dec. 16-31	Antlerless	Any elk tag	Elk Area 6066	15
Hannaford A	Jan. 1-15, 2005	Antlerless	Any elk tag	Elk Area 6069	5
<b>Hunters 65 or older only - Special Elk Permit Hunts</b>					
<u>Hannaford B</u>	<u>Jan. 16-31, 2005</u>	<u>Antlerless</u>	<u>Any elk tag</u>	<u>Elk Area 6069</u>	<u>5</u>

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 04-05-109**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 [Filed February 18, 2004, 10:12 a.m.]

AMENDATORY SECTION (Amending Order 03-129, filed 6/12/03, effective 7/13/03)

**WAC 232-28-272 2003-2004, 2004-2005, and 2005-2006 Black bear and cougar hunting seasons and regulations.**

**Fall Black Bear Seasons:**

**2003 Black bear seasons:**

<b>Black Bear Management Unit</b>	<b>Season</b>	<b>Hunt Area</b>
Coastal	Aug. 1 - Nov. 15	GMUs 501, 504, 506, 530, 601, 602, 603, 607-621, 636-651, 658-663, 672-684
Puget Sound	Aug. 1 - Nov. 15	GMUs 407, 410, 454, 624, 627, 633, 652, 666, 667
North Cascades	Aug. 1 - Nov. 15	GMUs 418-450, 460
South Cascades	Aug. 1 - Nov. 15	GMUs 466, 485, 505, 510-520, 524, 550-574, 653, 654
Okanogan	Aug. 1 - Nov. 15	GMUs 203, 209-243
East Cascades	Aug. 1 - Nov. 15	GMUs 244-247, 249-251, 328, 329-371, 382, 578, 588
Northeastern A	Sept. 2 - Nov. 15	GMUs 101-117
Northeastern B	Aug. 1 - Nov. 15	GMUs 121-130, 204
Blue Mountains	Sept. 2 - Nov. 15	GMUs 145-154, 162-186
Columbia Basin	Aug. 1 - Nov. 15	GMUs 133, 136, 139, 142, 248, 254, 260-290, 371-381
West Side PLW-MAs	July 15 - Nov. 15	PLWMAAs 401, 600
Long Island	Sept. 2 - Nov. 15	GMU 699

**2004 Black bear seasons:**

<b>Black Bear Management Unit</b>	<b>Season</b>	<b>Hunt Area</b>
Coastal	Aug. 1 - Nov. 15	GMUs 501, 504, 506, 530, 601, 602, 603, 607-621, 636-651, 658-663, 672-684
Puget Sound	Aug. 1 - Nov. 15	GMUs 407, 410, 454, 624, 627, 633, 652, 666, 667
North Cascades	Aug. 1 - Nov. 15	GMUs 418-450, 460
South Cascades	Aug. 1 - Nov. 15	GMUs 466, 485, 505, 510-520, 524, 550-574, 653, 654

Original Notice.  
 Preproposal statement of inquiry was filed as WSR 04-01-187.

Title of Rule: WAC 232-28-272 2003-2004, 2004-2005, and 2005-2006 Black bear and cougar hunting seasons and regulations.

Purpose: To amend WAC 232-28-272 2003-2004, 2004-2005, and 2005-2006 Black bear and cougar hunting seasons and regulations.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: The recommended change corrects calendar date errors for the 2004-2005 and 2005-2006 black bear seasons.

Reasons Supporting Proposal: Provides consistent hunting season dates for black bear.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Natural Resources Building, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Assistant Director, Natural Resources Building, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule establishes hunting seasons for black bear and cougar. The purpose of the recommended change is to correct calendar date errors. The anticipated effect of the recommendation is a stable statewide bear population.

Proposal Changes the Following Existing Rules: Provides consistent hunting season dates for black bear.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules regulate recreational hunters and do not directly regulate small business.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Red Lion Hotel "At the Park," 303 West North River Drive, Spokane, WA 99201, phone (509) 326-8000, on April 2-3, 2004, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Susan Yeager by March 29, 2004, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Attn: Wildlife Program April Meeting Public Comments, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by March 12, 2004.

Date of Intended Adoption: April 2, 2004.

February 18, 2004  
 Evan Jacoby  
 Rules Coordinator

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Black Bear Management Unit	Season	Hunt Area
Okanogan	Aug. 1 - Nov. 15	GMUs 203, 209-243
East Cascades	Aug. 1 - Nov. 15	GMUs 244-247, 249-251, 328, 329-371, 382, 578, 588
Northeastern A	Sept. ((2)) 7 - Nov. 15	GMUs 101-117
Northeastern B	Aug. 1 - Nov. 15	GMUs 121-130, 204
Blue Mountains	Sept. 7 - Nov. 15	GMUs 145-154, 162-186
Columbia Basin	Aug. 1 - Nov. 15	GMUs 133, 136, 139, 142, 248, 254, 260-290, 371-381
West Side PLW-MAs	July 15 - Nov. 15	PLWMAAs 401, 600
Long Island	Sept. 7 - Nov. 15	GMU 699

**2005 Black bear seasons:**

Black Bear Management Unit	Season	Hunt Area
Coastal	Aug. 1 - Nov. 15	GMUs 501, 504, 506, 530, 601, 602, 603, 607-621, 636-651, 658-663, 672-684
Puget Sound	Aug. 1 - Nov. 15	GMUs 407, 410, 454, 624, 627, 633, 652, 666, 667
North Cascades	Aug. 1 - Nov. 15	GMUs 418-450, 460
South Cascades	Aug. 1 - Nov. 15	GMUs 466, 485, 505, 510-520, 524, 550-574, 653, 654
Okanogan	Aug. 1 - Nov. 15	GMUs 203, 209-243
East Cascades	Aug. 1 - Nov. 15	GMUs 244-247, 249-251, 328, 329-371, 382, 578, 588
Northeastern A	Sept. ((2)) 6 - Nov. 15	GMUs 101-117
Northeastern B	Aug. 1 - Nov. 15	GMUs 121-130, 204
Blue Mountains	Sept. 6 - Nov. 15	GMUs 145-154, 162-186

Black Bear Management Unit	Season	Hunt Area
Columbia Basin	Aug. 1 - Nov. 15	GMUs 133, 136, 139, 142, 248, 254, 260-290, 371-381
West Side PLW-MAs	July 15 - Nov. 15	PLWMAAs 401, 600
Long Island	Sept. 6 - Nov. 15	GMU 699

**Bag Limit:** Two (2) black bear per annual hunting season only one of which may be taken in Eastern Washington.

**Area Restriction:** Special deer permit required to hunt black bear in GMU 485.

**Spring Permit Black Bear Seasons:**

**Permit quotas for each license year:**

Hunt Name	Permit Hunt Boundary	Permit Level
Blue Creek	GMU 154	15
Dayton	GMU 162	15
Tucannon	GMU 166	10
Wenaha	GMU 169	30
Mt. View	GMU 172	15
Lick Creek	GMU 175	15
Grande Ronde	GMU 186	5

**Who May Apply:** Anyone with a valid Washington big game license, which includes black bear.

**Bag Limit:** One (1) black bear per black bear special permit season.

**Permit Season:** April 15 - May 31. Permits are valid for the license year they are issued.

**Requirements for Spring and Fall Black Bear Seasons:**

**License Required:** A valid big game hunting license, which includes black bear as a species option, is required to hunt black bear. One black bear transport tag is included with a big game hunting license that has black bear as a species option. A second black bear transport tag must be purchased to take a second bear.

**Hunting Method:** Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting black bear. The use of hounds and bait to hunt black bear is prohibited statewide.

**Submitting Bear Teeth:** Successful bear hunters must submit the black bear premolar tooth located behind the canine tooth of the upper jaw.

**Cougar Seasons:**

**Seasons for each license year, 2003-2005:**

Cougar Management Unit	Season	Hunt Area
Coastal	Aug. 1 - Mar. 15	GMUs 501, 504, 506, 530, 601-621, 636-651, 658-663, 672-684, 699
Puget Sound	Aug. 1 - Mar. 15	GMUs 407, 410, 454, 624-633, 652, 666
North Cascades	Aug. 1 - Mar. 15	GMUs 418, 426, 437, 448, 450, 460, 466, 485
South Cascades	Aug. 1 - Mar. 15	GMUs 505, 510-520, 524, 550-574, 653, 654, 667
East Cascades North	Aug. 1 - Mar. 15	GMUs 203, 209-247, 249-251, 328, 329, 334-340
East Cascades South	Aug. 1 - Mar. 15	GMUs 342-368, 382, 578, 588
Northeastern	Aug. 1 - Mar. 15	GMUs 101-133, 204
Blue Mountains	Aug. 1 - Mar. 15	GMUs 145-154, 162-186
Columbia Basin	Aug. 1 - Mar. 15	GMUs 136-142, 248, 254-290, 330, 371, 372, 381

**Requirements for Cougar Seasons:**

**License Required:** A valid big game hunting license which includes cougar as a species option is required to hunt cougar.

**Bag Limit:** Two (2) cougar per license year excluding public safety cougar removals. It is unlawful to kill or possess spotted cougar kittens or adult cougars accompanied by spotted kittens.

**Area Restriction:** Special deer permit required to hunt cougar in GMU 485.

**Tag Information:** One cougar transport tag is included with a big game license that has cougar as a species option. A second cougar transport tag must be purchased to take a second cougar.

**Hunting Method:** Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting cougar. The use of hounds to hunt cougar is prohibited except during a public safety cougar removal.

**Cougar Pelt Sealing:** Any person who takes a cougar must notify the department within 72 hours of kill (excluding legal state holidays) and provide the hunter's name, date and loca-

tion of kill, and sex of animal. The raw pelt of a cougar must be sealed by an authorized department employee within five days of the notification of kill. Any person who takes a cougar must present the cougar skull, in such a manner that teeth and biological samples can be extracted, to an authorized department employee at the time of sealing.

**WSR 04-05-110  
PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
[Filed February 18, 2004, 10:13 a.m.]**

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 04-01-187.

Title of Rule: WAC 232-12-014 Wildlife classified as endangered species.

Purpose: To amend WAC 232-12-014 Wildlife classified as endangered species.

Statutory Authority for Adoption: RCW 77.12.020.

Statute Being Implemented: RCW 77.12.020.

Summary: Adds the killer whale to the list of endangered species in Washington.

Reasons Supporting Proposal: Killer whales are distributed throughout the marine waters of Washington. Four genetically distinct populations are recognized and are referred to as southern residents, northern residents, transients, and offshores. These populations rarely interact and do not interbreed despite having largely sympatric year-round geographic ranges that extend into British Columbia and other areas along the west coast of North America. Southern resident and transient killer whales are the only populations that regularly enter the state's coastal waters, whereas offshore whales mainly inhabit open ocean off the outer coast. Northern residents are rare visitors to the state.

The southern resident population is comprised of three pods (identified as J, K, and L pods) and is most familiar to the general public. It occurs primarily in the Georgia Basin and Puget Sound from late spring to fall, when it typically comprises the majority of killer whales found in Washington. Southern resident population trends are unknown before 1960, when roughly eighty whales were present, but is quite likely that numbers were at a depleted level due to indiscriminate shooting by fishermen. The population is believed to have recovered somewhat during the early and mid-1960s, but live-captures for aquaria removed or killed at least forty-seven of the whales during the 1960s and 1970s. The population has been closely monitored since 1974, with exact numbers of animals and other demographic details learned through annual photo-identification surveys. Numbers increased from seventy to ninety-eight whales between 1974 and 1995, but this was followed by a rapid net loss of eighteen animals, or 18% of the population, from 1996 to 2001. J and K pods have generally maintained their numbers during the decline, with both equaling or exceeding their largest recorded sizes as of September 2003. However, L pod, which comprises about half of the southern resident popula-

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tion, has been in sharp decline since 1994 and shows no strong sign of reversing this trend. This pod's decline is especially worrisome because it involves both increased mortality of members and a reduction in birth rates.

Factors that may be threats to the population include prey abundance, contaminants, and disturbance. First the southern residents have experienced large historic declines in their main prey, salmon. Overall salmon abundance has remained relatively stable or been increasing in Puget Sound and the Georgia Basin during the past several decades and therefore may not be responsible for the decline in L pod since 1996. However, a lack of concise information on the status of all salmon runs in the range of the southern residents makes the threat of reduced prey availability difficult to dismiss. Second, recent studies have revealed the transient and southern resident whales are heavily contaminated with organochlorine pollutants, primarily PCBs and DDT residues. Both populations are now considered as among the most highly contaminated marine mammals in the world. Lastly, increasing public interest in killer whales has fueled tremendous growth in whale watching in and around the San Juan Islands during the past two decades. As a result, southern resident whales are now followed by significant numbers of commercial and private vessels during much or all of the day when residing in this portion of their range.

While it is unknown which of these threats are most significant to the whales, it may well be that a combination of threats are working to harm the animals, especially L pod. Because of the low population numbers, steep declines in L pod, and combination of threats to the population, the species is in danger of extirpation in Washington and it is recommended that they be added to the state's list of endangered species. The southern resident killer whales are listed as endangered in Canada and as a depleted stock by NOAA fisheries under the federal Marine Mammal Protection Act. They are also under a second review to be listed under the federal Endangered Species Act. The species will require special management considerations and development of a recovery plan in order to restore it to viable population levels.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Britnell, Assistant Director, Natural Resources Building, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Assistant Director, Natural Resources Building, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 232-12-014 identifies species of wild animals to be managed by the Department of Fish and Wildlife as endangered species. This amendment adds the killer whale as a state endangered species. Endangered species are in need of special management consideration to recover populations to healthy levels and to keep them from being extirpated from Washington. Land managing agencies and local, state, and federal governments may use these lists to consider the needs of species of special concern in land management decisions.

Proposal Changes the Following Existing Rules: Adds the killer whale to the list of endangered species in Washington.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Does not affect small business.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Red Lion Hotel "At the Park," 303 West North River Drive, Spokane, WA 99201, phone (509) 326-8000, on April 2-3, 2004, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Susan Yeager by March 29, 2004, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Attn: Wildlife Program April Meeting Public Comments, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by March 12, 2004.

Date of Intended Adoption: April 2, 2004.

February 18, 2004

Evan Jacoby

Rules Coordinator

**AMENDATORY SECTION** (Amending Order 02-98, filed 5/10/02, effective 6/10/02)

**WAC 232-12-014 Wildlife classified as endangered species.** Endangered species include:

Common Name	Scientific Name
pygmy rabbit	<i>Brachylagus idahoensis</i>
fisher	<i>Martes pennanti</i>
gray wolf	<i>Canis lupus</i>
grizzly bear	<i>Ursus arctos</i>
sea otter	<i>Enhydra lutris</i>
<u>killer whale</u>	<u><i>Orcinus orca</i></u>
sei whale	<i>Balaenoptera borealis</i>
fin whale	<i>Balaenoptera physalus</i>
blue whale	<i>Balaenoptera musculus</i>
humpback whale	<i>Megaptera novaeangliae</i>
black right whale	<i>Balaena glacialis</i>
sperm whale	<i>Physeter macrocephalus</i>
Columbian white-tailed deer	<i>Odocoileus virginianus leucurus</i>
woodland caribou	<i>Rangifer tarandus caribou</i>
American white pelican	<i>Pelecanus erythrorhynchos</i>
brown pelican	<i>Pelecanus occidentalis</i>
sandhill crane	<i>Grus canadensis</i>
snowy plover	<i>charadrius alexandrinus</i>
upland sandpiper	<i>Bartramia longicauda</i>
spotted owl	<i>Strix occidentalis</i>
western pond turtle	<i>Clemmys marmorata</i>
leatherback sea turtle	<i>Dermochelys coriacea</i>
mardon skipper	<i>Polites mardon</i>

Common Name	Scientific Name
Oregon silverspot butterfly	<i>Speyeria zerene hippolyta</i>
Oregon spotted frog	<i>Rana pretiosa</i>
northern leopard frog	<i>Rana pipiens</i>

**WSR 04-05-111  
PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**  
[Filed February 18, 2004, 10:14 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-01-187.

**Purpose:** To amend WAC 232-28-273 2004 Moose, bighorn sheep and mountain goat seasons and permit quotas and 232-28-282 Big game and wild turkey auction, raffle and special incentive permits.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

**Summary:** The recommended changes to WAC 232-28-273 are to establish 2004 seasons with adjustments in permit quotas based of [on] population objectives. Recommend adding one bighorn raffle permit, one deer raffle permit, and one deer auction permit to WAC 232-28-282.

**Reasons Supporting Proposal:** Recommended adjustments to WAC 232-28-273 permit quotas are based on meeting population objectives for each species as indicated in the game management plan. The objective of the additional raffle and auction permits in WAC 232-28-282 is to generate additional revenue for managing this species. The harvest of one bighorn sheep and two additional deer does not represent a population impact for either species, and is therefore consistent with the objectives of the auction-affle program (Game Management Plan 2003).

**Name of Agency Personnel Responsible for Drafting and Implementation:** Dave Brittell, Assistant Director, Natural Resources Building, Olympia, (360) 902-2504; and **Enforcement:** Bruce Bjork, Assistant Director, Natural Resources Building, Olympia, (360) 902-2932.

**Name of Proponent:** Washington Fish and Wildlife Commission, governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** WAC 232-28-273 established 2004 seasons and permit quotas for moose, bighorn sheep, and mountain goats. The purpose of the rule is to maximize recreational hunting opportunities for these species while meeting the population and recreational objectives for each herd as indicated in the

game management plan. The anticipated effect is stable to increase populations of these hunting species.

WAC 232-28-282 provides seasons, bag limits, and hunt areas for big game auction and raffle hunting opportunities. The purpose of the proposed changes is to increase species-specific revenue when consistent with the biological status of the species and population objectives.

**Proposal Changes the Following Existing Rules:** WAC 232-28-273 provides calendar date changes to establish 2004 seasons and permit quotas.

WAC 232-28-282 increases auction-affle opportunity for deer and bighorn sheep.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules regulate recreational hunters and do not directly regulate small business.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

**Hearing Location:** Red Lion Hotel "At the Park," 303 West North River Drive, Spokane, WA 99201, phone (509) 326-8000, on April 2-3, 2004, at 8:00 a.m.

**Assistance for Persons with Disabilities:** Contact Susan Yeager by March 29, 2004, TDD (360) 902-2207 or (360) 902-2267.

**Submit Written Comments to:** Washington Department of Fish and Wildlife, Attn: Wildlife Program April Meeting Public Comments, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by March 12, 2004.

**Date of Intended Adoption:** April 2, 2004.

February 18, 2004  
Evan Jacoby  
Rules Coordinator

**AMENDATORY SECTION** (Amending Order 03-129, filed 6/12/03, effective 7/13/03)

**WAC 232-28-273 ((2003)) 2004 Moose, bighorn sheep, and mountain goat seasons and permit quotas.**

**((2003)) 2004 Moose Permit Hunts**

**Who May Apply:** Anyone may apply; EXCEPT those who harvested a moose previously in Washington state. An individual may only harvest one moose during their lifetime (except waived for antlerless only hunts and raffle and auction hunts).

**Bag Limit:** One moose of either sex, EXCEPT antlerless only for the 49 Degrees North B persons with disabilities hunt, Hangman B Hunt, Mt. Spokane B Hunt and the Mt. Spokane Youth Hunt.

**Weapon Restrictions:** Permit holders may use any legal weapon.

<b>Hunt Name</b>	<b>Permit Season</b>	<b>Permit Hunt Boundary Description</b>	<b>Special Restrictions</b>	<b>((2003)) 2004 Permits</b>
Kettle Range	Oct. 1-Nov. 30	GMU 101, 105	Any Moose	1
Selkirk Mtns.	Oct. 1-Nov. 30	GMU 113	Any Moose	20
Mt. Spokane A	Oct. 1-Nov. 30	GMU 124, east of Hwy 395	Any Moose	10

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Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	((2003)) 2004 Permits
Mt. Spokane B	Oct. 1-Nov. 30	GMU 124, east of Hwy 395	Antlerless Only	12
Mt. Spokane Youth Only <sup>a</sup>	Oct. 1-Nov. 30	GMU 124, east of Hwy 395	Antlerless Only	8
49 Degrees North	Oct. 1-Nov. 30	GMU 117	Any Moose	22
49 Degrees North B <sup>b</sup>	Oct. 1-Nov. 30	GMU 117	Antlerless Only	3
Three Forks	Oct. 1-Nov. 30	GMUs 108, 111	Any Moose	6
Hangman A	Oct. 1-Nov. 30	GMU 127, 130	Any Moose	5
Hangman B	Oct. 1-Nov. 30	GMU 127, 130	Antlerless Only	3
Huckleberry Range	Oct. 1-Nov. 30	GMU 121, 124 west of Hwy 395	Any Moose	4

<sup>a</sup>Applicants must be eligible to purchase a youth moose permit application. Youth hunters must be accompanied by an adult during the hunt.

<sup>b</sup>Applicants must possess a Disabled Hunter Permit.

((2003)) 2004 Mountain Sheep (Bighorn) Permit Hunts

**Who May Apply:** Anyone may apply; EXCEPT those who harvested a bighorn sheep previously in Washington state. An individual may only harvest one bighorn sheep during their lifetime. (Except waived for raffle and auction hunts.)

**Bag Limit:** One bighorn ram.

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	((2003)) 2004 Permits
Umtanum/Selah Butte A	Sept. 15-Oct. ((5)) <u>3</u>	Sheep Unit 4 and 5	Any Legal Weapon	4
Umtanum/Selah Butte B	Nov. ((3-30)) <u>8-30</u>	Sheep Unit 4 and 5	Any Legal Weapon	3
Cleman Mountain A	Sept. 15-Oct. ((5)) <u>3</u>	Sheep Unit 7	Any Legal Weapon	((3)) <u>4</u>
Cleman Mountain B	Nov. ((3-30)) <u>8-30</u>	Sheep Unit 7	Any Legal Weapon	3
Mt. Hull	Sept. 15-Oct. 10	Sheep Unit 10	Any Legal Weapon	1
Lincoln Cliffs	Sept. 15-Oct. 10	Sheep Unit 12	Any Legal Weapon	1
Quilomene A	Sept. 15-Oct. ((5)) <u>3</u>	Sheep Unit 13	Any Legal Weapon	((4)) <u>3</u>
Quilomene B	Nov. ((3-30)) <u>8-30</u>	Sheep Unit 13	Any Legal Weapon	((3)) <u>2</u>
Swakane	Sept. 15-Oct. 10	Sheep Unit 14	Any Legal Weapon	1
<u>Tieton</u>	<u>Sept. 15-Oct. 10</u>	<u>Sheep Unit 15</u>	<u>Any Legal Weapon</u>	<u>2</u>

**Mountain (Bighorn) Sheep Units:**

**Sheep Unit 4 Selah Butte:** Permit Area: That part of Yakima and Kittitas counties between Ellensburg and Yakima east of the Yakima River and north of Selah Creek, west of Interstate 82 and south of Interstate 90.

**Sheep Unit 5 Umtanum:** Permit Area: Those portions of Yakima and Kittitas counties west of the Yakima River, north of Wenas Creek, and east of USFS Road 1701 to Manastash Lake and its drainage; south and east along the South Fork Manastash Creek to Manastash Creek and the Yakima River.

**Sheep Unit 7 Cleman Mountain:** Permit Area: That part of Yakima County south of Wenas Creek and east of USFS Road 1701, north of Highway 410 and Highway 12 and west of the Yakima River.

**Sheep Unit 10 Mt. Hull:** Permit Area: That part of Okanogan County within the following described boundary:

Beginning at Oroville; then south along U.S. Highway 97 to the Swanson's Mill Road (old Mt. Hull Road) near Lake Andrews; then east to the Dry Gulch Road; then north to the Oroville-Toroda Creek Road (Molson Grade Road); then west to Oroville and the point of beginning.

**Sheep Unit 12 Lincoln Cliffs:** Permit Area: That part of Lincoln County north of Highway 2.

**Sheep Unit 13 Quilomene:** Permit Area: GMU 329.

**Sheep Unit 14 Swakane:** Permit Area: GMU 250.

**Sheep Unit 15 Tieton:** Permit Area: GMU 360.

**((2003)) 2004 Mountain Goat Permit Hunts**

**Who May Apply:** Anyone may apply; except those who harvested a mountain goat in Washington state after 1998. An individual may only harvest one mountain goat during their

lifetime, except for those who harvested a goat prior to 1999. (Except waived for raffle and auction hunts.)

**Bag Limit:** One (1) adult goat of either sex with horns four (4) inches or longer. WDFW urges hunters to refrain from shooting nannies with kids. Permit hunters may start hunting Sept. 1 with archery equipment.

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	((2003)) 2004 Permits
Chelan North	Sept. 15-Oct. 31	Goat Unit 2-1	Any Legal Weapon	1
Methow	Sept. 15-Oct. 31	Goat Unit 2-2	Any Legal Weapon	2
Naches Pass/Corral Pass	Sept. 15-Oct. 31	Goat Unit 3-6, 4-38	Any Legal Weapon	((+) 2
Bumping River	Sept. 15-Oct. 31	Goat Unit 3-7	Any Legal Weapon	2
Blazed Ridge	Sept. 15-Oct. 31	Goat Unit 3-10	Any Legal Weapon	((+) 2
Kachess Ridge	Sept. 15-Oct. 31	Goat Unit 3-11	Any Legal Weapon	0
Jack Mountain	Sept. 15-Oct. 31	Goat Unit 4-9	Any Legal Weapon	0
((Corral Pass))	((Sept. 15-Oct. 31))	((Goat Unit 4-38))	((Any Legal Weapon))	((2))
Tatoosh	Sept. 15-Oct. 31	Goat Unit 5-2	Any Legal Weapon	3
Smith Creek	Sept. 15-Oct. 31	Goat Unit 5-3	Any Legal Weapon	1
Goat Rocks/Tieton River	Sept. 15-Oct. 31	Goat Units 3-9, 5-4	Any Legal Weapon	6

**Mountain Goat Units:**

**Goat Unit 2-1 Chelan N. (Chelan County):** Permit Area: Beginning at the mouth of Fish Creek on Lake Chelan (Moore Point); then northeast up Fish Creek and USFS trail 1259 to the Sawtooth crest near Deephole Spring; then southeast along the Sawtooth crest, which separates Chelan and Okanogan County, to Horsethief Basin and the headwaters of Safety Harbor Creek; then south along Safety Harbor Creek to Lake Chelan, then northwest along the north shore of Lake Chelan to the mouth of Fish Creek at Moore Point and the point of beginning.

**Goat Unit 2-2 Methow Area:** Permit Area: Okanogan County within the following described boundary: Beginning at the Town of Twisp, westerly along the Twisp River Road (County Road 4440) to Roads End; west up the Twisp Pass Trail 432 to Twisp Pass and the Okanogan County line; northerly along the Okanogan County line through Washington Pass to Harts Pass; southeast down Harts Pass (Road 5400) to Lost River; then along the Lost River-Mazama Road to Mazama; then southwest to State Highway 20; then southeasterly along State Highway 20 to Twisp and the point of beginning.

**Goat Unit 3-6 Naches Pass:** Permit Area: Yakima and Kittitas counties within the following described boundary: Beginning at Chinook Pass; then north along the Pacific Crest Trail to Naches Pass; then east to USFS Road 19 and continuing to State Highway 410; then west along State Highway 410 to Chinook Pass and point of beginning.

**Goat Unit 3-7 Bumping River:** Permit Area: ((Yakima County within the following described boundary: Beginning at White Pass and the Pacific Crest Trail; then north to Forest Trail 980; then north to USFS Road 18; then north to State Highway 410; then east to State Highway 12; then west along

~~State Highway 12 and back to point of beginning)) GMU 356; EXCEPT Timberwolf Mountain, which is closed.~~

**Goat Unit 3-9 Tieton River:** Permit Area: Yakima County within the following described boundary: Beginning at White Pass and Pacific Crest Trail; then south to the Yakama Indian Reservation Boundary; then east to USFS Jeep Trail 1137; then west to USFS Road 1070-578 Spur; then west to Road 1000; then north to USFS Road 12; then north to State Highway 12; then west on State Highway 12 to point of beginning.

**Goat Unit 3-10 Blazed Ridge:** Permit Area: Kittitas and Yakima counties within the following described boundary: Beginning at the mouth of Cabin Creek on the Yakima River; then west along Cabin Creek to the headwaters near Snowshoe Butte; then south along the Cascade Crest separating the Green and Yakima river drainage to Pyramid Peak; then southeast along the North Fork, Little Naches, and Naches River to the Yakima River; then north along the Yakima River to the mouth of Cabin Creek and point of beginning.

**Goat Unit 3-11 Kachess Ridge:** Permit Area: Kittitas County within the following described boundary: Beginning at the mouth of the Kachess River on the Yakima River; then north along the Kachess River and Kachess Lake to USFS Road 4600; then east on USFS Road 4600 to the Cle Elum River; then south along the Cle Elum River and Lake Cle Elum to the Yakima River; then northwest along the Yakima River to the mouth of the Kachess River and point of beginning.

**Goat Unit 4-9 Jack Mountain:** Permit Area: Whatcom County within the following described boundary: Beginning at the confluence of Ruby Creek and Crater Creek; then north up Crater Creek to the ridge line between Jerry Lakes and a pinnacle of Jack Mountain (7,292 ft. elevation); continue due north to Devil's Creek; then west down Devil's Creek to Ross

PROPOSED

Lake; then south along the east shoreline of Ross Lake to Ruby Arm; then easterly up Ruby Arm and Ruby Creek to the confluence of Crater Creek and the point of beginning.

**Goat Unit 4-38 Corral Pass:** Permit Area: Pierce County within the following described boundary: Beginning where Goat Creek intersects the Corral Pass Road; then southeast up Goat Creek to the Cascade Crest; then north along the Crest to USFS Trail 1188; then northwest along said trail to USFS Trail 1176; then north along said trail to Corral Pass; then west along Corral Pass Road to its intersection with Goat Creek and the point of beginning.

**Goat Unit 5-2 Tatoosh:** Permit Area: Lewis County within the following described boundary: Beginning at the junction of the southern Mount Rainier National Park Boundary and State Highway 123; then south along State Highway 123 to U.S. Highway 12; then southwest along said highway to Skate Creek Road (USFS Road 52); then northwest along said road to the junction of Morse Creek Road (old road to Longmire Campground); then north along said road to the Mount Rainier National Park Boundary; then east along the southern park boundary to the point of beginning.

**Goat Unit 5-3 Smith Creek:** Permit area: Lewis County within the following described boundary: Beginning at the Town of Randle; then east along U.S. Highway 12 to USFS Road 21; then southeast along USFS Road 21 to USFS Road 22; then northeast and northwest along USFS Road 22 to USFS Road 23; then east and northwest on USFS Road 23 to USFS Road 25; then north along USFS Road 25 to Randle and point of beginning.

**Goat Unit 5-4 Goat Rocks:** Permit Area: Lewis County south of the White Pass Highway (U.S. Highway 12) and east of the Johnson Creek Road (USFS Road 1302).

AMENDATORY SECTION (Amending Order 03-175, filed 8/5/03, effective 9/5/03)

**WAC 232-28-282 Big game and wild turkey auction, raffle, and special incentive permits.**

#### BIG GAME AUCTION PERMITS

The director will select a conservation organization(s) to conduct annual auction(s). Selection of the conservation organizations will be based on criteria adopted by the Washington department of fish and wildlife. Big game and wild turkey auctions shall be conducted consistent with WAC 232-28-292.

#### SPECIES - ONE DEER PERMIT

Hunting season dates: September 1 - December 31, 2004  
 Hunt Area: Statewide EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMU 485, and those GMUs closed to deer hunting by the fish and wildlife commission.  
 Weapon: Any legal weapon.  
 Bag limit: One additional any buck deer

#### SPECIES - ONE WESTSIDE DEER PERMIT

Hunting season dates: 2005 and thereafter, September 1 - December 31

Hunt Area: Western Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMU 485, and those GMUs closed to deer hunting by the fish and wildlife commission.

Weapon: Any legal weapon.

Bag limit: One additional any buck deer

#### SPECIES - ONE EASTSIDE DEER PERMIT

Hunting season dates: 2005 and thereafter, September 1 - December 31

Hunt Area: Eastern Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs) and those GMUs closed to deer hunting by the fish and wildlife commission.

Weapon: Any legal weapon.

Bag limit: One additional any buck deer

#### SPECIES - ONE WESTSIDE ELK PERMIT

Hunting season dates: September 1 - December 31

Hunt Area: Western Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), those GMUs closed to elk hunting, and those GMUs not opened to branch antlered bull elk hunting by the fish and wildlife commission.

Weapon: Any legal weapon.

Bag limit: One additional any bull elk

#### SPECIES - ONE EASTSIDE ELK PERMIT

Hunting season dates: September 1 - December 31

Hunt Area: Eastern Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMU 157, those GMUs closed to elk hunting, and those GMUs not opened to branch antlered bull elk hunting by the fish and wildlife commission.

Weapon: Any legal weapon.

Bag limit: One additional any bull elk

#### SPECIES - ONE BIGHORN SHEEP PERMIT

Hunting season dates: September 1 - October 31

Hunt Area: Sheep Unit 4 (Selah Butte), Sheep Unit 5 (Umtanum), Sheep Unit 7 (Cleman Mountain), Sheep Unit 12 (Lincoln Cliffs), or Sheep Unit 13 (Quilomene).

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One bighorn ram

#### SPECIES - ONE MOOSE PERMIT

Hunting season dates: October 1 - November 30

Hunt Area: Any open moose unit.

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One moose of either sex

#### SPECIES - ONE MOUNTAIN GOAT PERMIT

Hunting season dates: September 15 - October 31

Hunt Area: Goat Unit 3-6 (Naches Pass), Goat Unit 3-9 (Tieton River), Goat Unit 3-10 (Blazed Ridge), or Goat Unit 5-4 (Goat Rocks).



Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One mountain goat of either sex

#### RAFFLE PERMITS

Raffle permits will be issued to individuals selected through a Washington department of fish and wildlife drawing or the director may select a conservation organization(s) to conduct annual raffles. Selection of a conservation organization will be based on criteria adopted by the Washington department of fish and wildlife. Big game and wild turkey raffles shall be conducted consistent with WAC 232-28-290.

#### RAFFLE PERMIT HUNT(S)

##### DEER RAFFLE PERMIT HUNT

Bag limit: One additional any buck deer

Open area: Statewide EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMU 485, and those GMUs closed to deer hunting by the fish and wildlife commission.

Open season: September 1 - December 31(=), 2004

Weapon: Any legal weapon.

Number of permits: 1

Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

##### WESTSIDE DEER RAFFLE PERMIT HUNT

Bag limit: One additional any buck deer

Open Area: Western Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMU 485, and those GMUs closed to deer hunting by the fish and wildlife commission.

Open season: 2005 and thereafter, September 1 - December 31

Weapon: Any legal weapon.

Number of permits: 1

Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

##### EASTSIDE DEER RAFFLE PERMIT HUNT

Bag limit: One additional any buck deer

Open Area: Eastern Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs) and those GMUs closed to deer hunting by the fish and wildlife commission.

Open season: 2005 and thereafter, September 1 - December 31

Weapon: Any legal weapon.

Number of permits: 1

Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

##### WESTSIDE ELK RAFFLE PERMIT HUNT

Bag limit: One additional any bull elk

Open area: Western Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), those GMUs closed to elk hunting, and those GMUs not open to branch antlered bull elk hunting by the fish and wildlife commission.

Open season: September 1 - December 31.

Weapon: Any legal weapon.

Number of permits: 1

Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

##### EASTSIDE ELK RAFFLE PERMIT HUNT

Bag limit: One additional any bull elk

Open area: Eastern Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMU 157, those GMUs closed to elk hunting, and those GMUs not opened to branch antlered bull elk hunting by the fish and wildlife commission.

Open season: September 1 - December 31.

Weapon: Any legal weapon.

Number of permits: 1

Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

##### CALIFORNIA BIGHORN SHEEP RAFFLE PERMIT HUNT

Bag limit: One bighorn ram

Open area: Sheep Unit 4 (Selah Butte), Sheep Unit 5 (Umtanum), Sheep Unit 7 (Cleman Mountain), Sheep Unit 12 (Lincoln Cliffs), or Sheep Unit 13 (Quilomene).

Open season: September 1 - October 31.

Weapon: Hunter may use any legal weapon.

Number of permits: 1

Raffle ticket cost: \$10.00 including a 50-cent vendor fee.

##### ROCKY MOUNTAIN BIGHORN SHEEP RAFFLE PERMIT HUNT

Bag limit: One bighorn ram

Open area: GMUs 166, 169, 181, 186

Open season: September 1 - October 31

Weapon: Any legal weapon.

Number of permits: 1

Raffle ticket cost: \$10.00 including a 50-cent vendor fee.

##### MOOSE RAFFLE PERMIT HUNT

Bag limit: One moose of either sex

Open area: Any open moose unit.

Open season: October 1 - November 30.

Weapon: Hunter may use any legal weapon.

Number of permits: 1

Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

##### MOUNTAIN GOAT RAFFLE PERMIT HUNT

Bag limit: One mountain goat of either sex

Open area: Goat Unit 3-6 (Naches Pass), Goat Unit 3-9 (Tieton River), Goat Unit 3-10 (Blazed Ridge), or Goat Unit 5-4 (Goat Rocks).

Open season: September 15 - October 31.

Weapon: Hunter may use any legal weapon.

Number of permits: 1

Raffle tickets cost: \$5.00 including a 50-cent vendor fee.

##### TURKEY RAFFLE PERMIT HUNTS

Bag limit: Three (3) additional wild turkeys, but not to exceed more than one turkey in Western Washington or two turkeys in Eastern Washington.

Open area: Statewide.

Open season: April 1 - May 31.

Weapon: Archery or shotgun only.

Number of permits: 2

Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

## SPECIAL INCENTIVE PERMITS

Hunters will be entered into a drawing for special deer and elk incentive permits for prompt reporting of hunting activity in compliance with WAC 232-28-299.

(a) There will be two (2) any elk special incentive permits for Western Washington.

Open area: Western Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMUs 418, 485, 522, and those GMUs closed to elk hunting or closed to branch antlered bull elk hunting by the fish and wildlife commission.

Open season: September 1 - December 31.

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One additional elk.

There will be two (2) any elk special incentive permits for Eastern Washington.

Open area: Eastern Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMU 157 and those GMUs closed to elk hunting or closed to branch antlered bull elk hunting by the fish and wildlife commission.

Open season: September 1 - December 31.

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One additional elk.

(b) There will be five (5) statewide any deer special incentive permits, for use in any area open to general or permit hunting seasons EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMUs 157, 418, 485, 522, and those GMUs closed to deer hunting by the fish and wildlife commission.

Open season: September 1 - December 31.

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons and any legal weapon at other times if there are no firearm restrictions.

Bag limit: One additional any deer.

## Auction, raffle, and special incentive hunt permittee rules

(1) Permittee shall contact the appropriate regional office of the department of fish and wildlife when entering the designated hunt area or entering the region to hunt outside the general season.

(2) The permittee may be accompanied by others; however, only the permittee is allowed to carry a legal weapon or harvest an animal.

(3) Any attempt by members of the permittee's party to herd or drive wildlife is prohibited.

(4) If requested by the department, the permittee is required to direct department officials to the site of the kill.

(5) The permit is valid during the hunting season dates for the year issued.

(6) The permittee will present the head and carcass of the bighorn sheep killed to any department office within 72 hours of date of kill.

(7) The permittee must abide by all local, state, and federal regulations including firearm restriction areas and area closures.

(8) Hunters awarded the special incentive permit will be required to send the appropriate license fee to the department of fish and wildlife headquarters in Olympia. The department will issue the license and transport tag and send it to the special incentive permit winner.

## WSR 04-05-112

## PROPOSED RULES

## DEPARTMENT OF

## FISH AND WILDLIFE

[Filed February 18, 2004, 10:15 a.m.]

## Original Notice.

Preproposal statement of inquiry was filed as WSR 04-01-187.

Title of Rule: WAC 232-28-341 2003-04, 2004-05, 2005-06 Small game seasons.

Purpose: To amend WAC 232-28-341 2003-04, 2004-05, 2005-06 Small game seasons.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: This amendment accomplishes the following:

1. Adds language to make the upland bird hunting season within the Colville Indian Reservation to be the same as the season established by the Colville Indian Tribe.

2. Opens a general fall turkey season in selected north-eastern Washington GMUs and sets permit levels for the Mount Spokane and Sherman GMUs.

Reasons Supporting Proposal: The language for the Colville Indian Reservation is being added to simplify the season rules within the boundaries of the reservation while remaining consistent with the method of take and other hunting regulations associated with pheasant hunting in Washington. Also, this addition is consistent with existing pheasant hunting regulations within the Yakama Indian Reservation.

Turkey populations in northeastern Washington are continuing to increase. In some areas, this increase is large enough that a general fall season hunting opportunity can be provided in place of a permit only hunt. In addition, local hunters who are most familiar with areas with the largest concentrations of turkeys will have a greater opportunity to harvest a turkey. This will help WDFW address nuisance issues that continue to arise.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Natural Resources Building, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Assistant Director, Natural Resources Building, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: A section has been added to make the Washington

state pheasant season dates within the Colville Indian Reservation the same as those set for Colville Indian Reservation lands. This simplifies and clarifies hunting season dates on these lands. As a result, hunters who wish to hunt within the boundary of the Colville Indian Reservation will have consistent hunting rules to follow.

A general fall turkey season is established for GMUs 105-121 in northeastern Washington. In addition, fall season permit levels are set for GMUs 101 and 124. These changes will provide appropriate hunting opportunity consistent with population management goals for the areas identified. This should result in an increase in hunting opportunity for many hunters as well as provide WDFW with a tool to address population management objectives.

Proposal Changes the Following Existing Rules: See Explanation of Rule above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules regulate recreational hunters and do not directly regulate small business.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Red Lion Hotel "At the Park," 303 West North River Drive, Spokane, WA 99201, phone (509) 326-8000, on April 2-3, 2004, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Susan Yeager by March 29, 2004, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Attn: Wildlife Program April Meeting Public Comments, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by March 12, 2004.

Date of Intended Adoption: April 2, 2004.

February 18, 2004  
Evan Jacoby  
Rules Coordinator

**AMENDATORY SECTION** (Amending Order 03-175, filed 8/5/03, effective 9/5/03)

**WAC 232-28-341 2003-04, 2004-05, 2005-06 Small game seasons.**

**HOUND HUNTING DURING DEER AND ELK HUNTING SEASONS**

It is unlawful to hunt any wildlife at night or wild animals with dogs (hounds) during the months of September, October, or November in any area open to a center-fire rifle deer or elk season. The use of hounds to hunt black bear, cougar (EXCEPT by public safety removal permit), and bobcat is prohibited year around.

**BOBCAT**

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide

Sept. 2, 2003 - Mar. 15, 2004; Sept. 7, 2004 - Mar. 15, 2005; Sept. 6, 2005 - Mar. 15, 2006.

**RACCOON**

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide, except CLOSED on Long Island within Willapa National Wildlife Refuge.

Sept. 2, 2003 - Mar. 15, 2004; Sept. 7, 2004 - Mar. 15, 2005; Sept. 6, 2005 - Mar. 15, 2006.

**FOX**

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide, except CLOSED within the exterior boundaries of the Mount Baker-Snoqualmie, Okanogan, Wenatchee, and Gifford Pinchot National Forests and GMUs 407 and 410.

Sept. 2, 2003 - Mar. 15, 2004; Sept. 7, 2004 - Mar. 15, 2005; Sept. 6, 2005 - Mar. 15, 2006.

**COYOTE**

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide, year around except CLOSED from September 15 to November 30 in the Pasayten Wilderness, GMUs 426 and 450, and those portions of GMUs 218, 245, and 448 within the external boundaries of the Mount Baker-Snoqualmie, Okanogan, and Wenatchee National Forests. However, coyote may only be killed and/or pursued with hounds during the following period: Sept. 2, 2003 - Mar. 15, 2004; Sept. 7, 2004 - Mar. 15, 2005; Sept. 6, 2005 - Mar. 15, 2006; except coyote may be hunted year around with hounds in Grant, Adams, Benton, and Franklin counties.

**FOREST GROUSE (BLUE, RUFFED, AND SPRUCE)**

Bag and Possession Limits: Three (3) grouse per day, with a total of nine (9) grouse in possession at any time; straight or mixed bag.

Statewide: Sept. 1 - Dec. 31, 2003; Sept. 1 - Dec. 31, 2004; Sept. 1 - Dec. 31, 2005.

**PTARMIGAN, SAGE, AND SHARP-TAILED GROUSE**

Season closed statewide.

**EASTERN WASHINGTON**

**RING-NECKED PHEASANT**

Bag and Possession Limits: Three (3) cock pheasants per day, with a total of fifteen (15) cock pheasants in possession at any time.

Youth Season: Sept. 20 and 21, 2003; Sept. 18 and 19, 2004; Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

Regular Season: Oct. 18 - Dec. 31, 2003; Oct. 23 - Dec. 31, 2004; Oct. 22 - Dec. 31, 2005.

**CHUKAR**

Bag and Possession Limits: Six (6) chukar per day, with a total of eighteen (18) chukar in possession at any time.

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Youth Season: Sept. 20 and 21, 2003; Sept. 18 and 19, 2004; Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

Regular Season: Oct. 4, 2003 - Jan. 19, 2004; Oct. 2, 2004 - Jan. 17, 2005; Oct. 1, 2005 - Jan. 16, 2006

#### GRAY (HUNGARIAN) PARTRIDGE

Bag and Possession Limits: Six (6) gray partridges per day, with a total of eighteen (18) gray partridges in possession at any time.

Youth Season: Sept. 20 and 21, 2003; Sept. 18 and 19, 2004; Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

Regular Season: Oct. 4, 2003 - Jan. 19, 2004; Oct. 2, 2004 - Jan. 17, 2005; Oct. 1, 2005 - Jan. 16, 2006.

#### MOUNTAIN QUAIL

Season closed throughout Eastern Washington.

#### CALIFORNIA (VALLEY) QUAIL AND NORTHERN BOBWHITE

Bag and Possession Limits: Ten (10) quail per day, with a total of thirty (30) quail in possession at any time, straight or mixed bag.

Youth Season: Sept. 20 and 21, 2003; Sept. 18 and 19, 2004; Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

Regular Season: Oct. 4, 2003 - Jan. 19, 2004; Oct. 2, 2004 - Jan. 17, 2005; Oct. 1, 2005 - Jan. 16, 2006.

Yakama Indian Reservation: The 2003-04, 2004-05, 2005-06 Upland bird seasons within the Yakama Indian Reservation shall be the same as the season established by the Yakama Indian Nation.

Colville Indian Reservation: The 2003-04, 2004-05, 2005-06 Upland bird seasons within the Colville Indian Reservation shall be the same as the season established by the Colville Indian Tribe.

#### WESTERN WASHINGTON

##### RING-NECKED PHEASANT

Bag and Possession Limits: Two (2) pheasants of either sex per day, with a total of fifteen (15) pheasants in possession at any time.

Youth Season: Sept. 20 and 21, 2003; Sept. 18 and 19, 2004; Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

Hunters 65 years of age or older: Sept. 22-26, 2003; Sept. 20-24, 2004; Sept. 19-23, 2005

Regular Season: Sept. 27 - Nov. 30, 2003; Sept. 25 - Nov. 30, 2004; Sept. 24 - Nov. 30, 2005. 8 a.m. to 4 p.m.; except Dungeness Recreation site (Clallam County) starting Oct. 4, 2003; Oct. 2, 2004; Oct. 1, 2005.

Extended Season: Dec. 1 - Dec. 15, 2003; Dec. 1 - Dec. 15, 2004; Dec. 1 - 15, 2005. 8 a.m. to 4 p.m. only on the follow-

ing release sites: Belfair, Fort Lewis, Kosmos, Lincoln Creek, Scatter Creek, and Skookumchuck. Pheasants will not be released during the extended season.

A Western Washington Pheasant Permit is required to hunt pheasant in Western Washington, in addition to a current small game hunting license. Pheasant kills must be recorded. Upon taking a pheasant, the holder of a Western Washington Pheasant Permit must immediately enter on the corresponding space the date and location of kill.

There are three options available:

(1) Full Season Option: Allows the harvest of eight (8) pheasants.

(2) Youth Option: Allows the harvest of eight (8) pheasants by youth hunters.

(3) 3-Day Option: Allows the harvest of four (4) pheasants harvested over three consecutive days.

Every person possessing a Western Washington Pheasant Permit must by December 31, return the permit to the department of fish and wildlife. The number of permits purchased per year is not limited.

A hunter shall select one valid option at the time they purchase their Western Washington Pheasant Permit. It is unlawful to purchase an additional permit until the pheasants allowed on the current permit are taken.

Special Restriction: Western Washington pheasant hunters must choose to hunt on either odd-numbered or even-numbered weekend days from 8:00 - 10:00 a.m. at all units of Lake Terrell, Tennant Lake, Snoqualmie, Skagit, Skookumchuck, and Scatter Creek Wildlife Areas, all hunting sites on Whidbey Island, and at the Dungeness Recreation Area, and must indicate their choice on the Western Washington Pheasant Permit by choosing "odd" or "even." Hunters who select the three day option, hunters 65 years of age or older, and youth hunters may hunt during either weekend day morning. Youth hunters must be accompanied by an adult at least 18 years old who must have an appropriately marked pheasant permit if hunting.

#### MOUNTAIN QUAIL

Bag and Possession Limits: Two (2) mountain quail per day, with a total of four (4) mountain quail in possession at any time.

Season: Oct. 4 - Nov. 30, 2003; Oct. 2 - Nov. 30, 2004; Oct. 1 - Nov. 30, 2005.

#### CALIFORNIA (VALLEY) QUAIL AND NORTHERN BOBWHITE

Bag and Possession Limits: Ten (10) California (valley) quail or northern bobwhite per day, with a total of thirty (30) California (valley) quail or northern bobwhite in possession at any time, straight or mixed bag.

Season: Oct. 4 - Nov. 30, 2003; Oct. 2 - Nov. 30, 2004; Oct. 1 - Nov. 30, 2005.

#### WILD TURKEY

Youth Season:

Gobblers and turkeys with visible beards only.

Statewide: April 10-11, 2004; April 9-10, 2005; April 8-9, 2006 in the following GMUs ONLY: 101, 113, 117, 130, 133, 139, 145-154, 166, 175, 186, 204, 215, 218, 242, 245, 249-251, 269, 328, 329, 346, 352, 360-368, 382, 506, 554, 556, 568, 574, 588, 633, 651, 660-666.

Spring Season:

Gobblers and turkeys with visible beards only.

Statewide: April 15 - May 15, 2004; April 15 - May 15, 2005; April 15 - May 15, 2006.

Fall Season:

Either sex.

Open to all hunters with a valid turkey tag: GMUs 105-121. Sept. 25-Oct. 1, 2004; Sept. 24-Sept. 30, 2005.

Permit Only - GMUs 101, ~~((105, 108, 111, 113, 117, 121))~~ 124, 133, 145-186, 382, 568-588. Sept. 27 - Oct. 3, 2003; Sept. 25 - Oct. 1, 2004; Sept. 24 - Sept. 30, 2005.

Permit Area	Number of Permits
GMU 101	<del>((200))</del> 250
<del>((GMU 105))</del>	<del>((100))</del>
<del>((GMU 108))</del>	<del>((200))</del>
<del>((GMU 111))</del>	<del>((100))</del>
<del>((GMU 113))</del>	<del>((100))</del>
<del>((GMU 117))</del>	<del>((400))</del>
<del>((GMU 121))</del>	<del>((800))</del>
<u>GMU 124</u>	<u>100</u>
GMU 133	150
GMUs 145-186	50
GMUs 382, 568-588	75

**OFFICIAL HUNTING HOURS/BAG LIMITS FOR WILD TURKEY:**

Bag and Possession Limit: Only two (2) turkeys may be killed in Eastern Washington per year, except only one (1) may be killed in Chelan, Kittitas, or Yakima counties; and one (1) per year in Western Washington, except two (2) may be killed in Klickitat County. The season limit is three (3) birds per year.

Fall Season Bag and Possession Limit: One (1) turkey per year in areas open to fall hunting.

Hunting Hours: One-half hour before sunrise to sunset during spring and fall seasons.

**SPECIAL REGULATIONS FOR WILD TURKEY:**

1. Turkey season is open for shotgun and bow-and-arrow hunting only.
2. A turkey tag is required for hunting turkey.
3. It is unlawful to use dogs to hunt turkeys.
4. It is unlawful to bait game birds.

**BIRD DOG TRAINING SEASON**

Wild upland game birds may be pursued during the dog-training season, but may not be killed except during established hunting seasons. A small game license is required to train dogs on wild game birds. A small game license and a Western Washington Pheasant Permit is required to train dogs on pheasants in Western Washington. Captive raised game birds may be released and killed during dog training if proof of lawful acquisition (invoices) are in possession and the birds are appropriately marked (WAC 232-12-271) (WAC 232-12-044).

Aug. 1, 2003 - Mar. 31, 2004; Aug. 1, 2004 - Mar. 31, 2005; Aug. 1, 2005 - Mar. 31, 2006. Only youth and seniors may train dogs during their respective seasons on designated Western Washington pheasant release sites.

Bird dog training may be conducted year around on areas posted for bird dog training on portions of: Region One - Espanola (T24N, R40E, E 1/2 of section 16); Region Three - South L.T. Murray Wildlife Area; Region Four - Skagit Wildlife Area, Lake Terrell Wildlife Area, and Snoqualmie Wildlife Area; Region Five - Shillapoo/Vancouver Lake Wildlife Area; Region Six - Scatter Creek Wildlife Area, Fort Lewis Military Base.

**HIP REQUIREMENTS:**

All hunters age 16 and over of migratory game birds (duck, goose, coot, snipe, mourning dove) are required to complete a Harvest Information Program (HIP) survey at a license dealer, and possess a Washington Migratory Bird validation as evidence of compliance with this requirement when hunting migratory game birds. Youth hunters are required to complete a HIP survey, and possess a free Washington Youth Migratory Bird validation as evidence of compliance with this requirement when hunting migratory game birds.

**CANADA GOOSE SEPTEMBER SEASON**

Bag and Possession Limits: Western Washington, except Cowlitz and Wahkiakum counties and that part of Clark County north of the Washougal River: Five (5) Canada geese per day with a total of ten (10) in possession at any time. Remainder of the state: Three (3) Canada geese per day with a total of six (6) in possession at any time.

Western Washington: Sept. 6-11, 2003; Sept. 11-15, 2004; Sept. 10-15, 2005. EXCEPT Pacific and Grays Harbor counties: Sept. 1-15, 2003, 2004, and 2005.

Eastern Washington: Sept. 6-7, 2003; Sept. 11-12, 2004; Sept. 10-11, 2005.

**BAND-TAILED PIGEON**

Sept. 15-23, 2003, 2004, 2005.

Daily Bag Limit: 2 band-tailed pigeons.

Possession Limit: 4 band-tailed pigeons.

PROPOSED

**WRITTEN AUTHORIZATION REQUIRED TO HUNT BAND-TAILED PIGEONS.**

All persons hunting band-tailed pigeons in this season are required to obtain a written authorization and harvest report from the Washington department of fish and wildlife. Application forms must be delivered to a department office no later than August 25 or postmarked on or before August 25 in order for applicants to be mailed an authorization before the season starts. Immediately after taking a band-tailed pigeon into possession, hunters must record in ink the information required on the harvest report. By September 30, hunters must return the harvest report to the Washington department of fish and wildlife, or report harvest information on the department's Internet reporting system. Hunters failing to comply with reporting requirements will be ineligible to participate in the following band-tailed pigeon season.

**MOURNING DOVE**

Bag and Possession Limits: Ten (10) mourning doves per day with a total of twenty (20) mourning doves in possession at any time.

Statewide: Sept. 1-15, 2003, 2004, and 2005.

**COTTONTAIL AND SNOWSHOE HARE (OR WASHINGTON HARE)**

Bag and Possession Limits: Five (5) cottontails or snowshoe hares per day, with a total of fifteen (15) in possession at any time, straight or mixed bag.

Statewide: Sept. 1, 2003 - Mar. 15, 2004; Sept. 1, 2004 - Mar. 15, 2005; Sept. 1, 2005 - Mar. 15, 2006.

**JACKRABBIT**

Closed season statewide.

**CROWS**

Bag and Possession Limits: No Limit

Statewide: Oct. 1, 2003 - Jan. 31, 2004; Oct. 1, 2004 - Jan. 31, 2005; Oct. 1, 2005 - Jan. 31, 2006.

**FALCONRY SEASONS****UPLAND GAME BIRD AND FOREST GROUSE - FALCONRY**

Daily Bag Limit: Two (2) pheasants (either sex), six (6) partridge, five (5) California (valley) quail or northern bobwhite, two (2) mountain quail (in Western Washington only), and three (3) forest grouse (blue, ruffed, spruce) per day.

Possession limit is twice the daily bag limit.

Statewide: Aug. 1, 2003 - Mar. 15, 2004; Aug. 1, 2004 - Mar. 15, 2005; Aug. 1, 2005 - Mar. 15, 2006.

**MOURNING DOVE - FALCONRY**

Daily Bag Limit: Three (3) mourning doves per day straight bag or mixed bag with snipe, coots, ducks, and geese during established seasons.

Possession limit is twice the daily limit.

Statewide: Sept. 1-15 and Oct. 1 - Dec. 31, 2003; Sept. 1-15 and Oct. 1 - Dec. 31, 2004; Sept. 1-15 and Oct. 1 - Dec. 31, 2005.

**COTTONTAIL AND SNOWSHOE HARE - FALCONRY**

Daily Bag Limit: Five (5) cottontails or snowshoe hares per day, straight or mixed bag.

Possession limit is twice the daily bag limit.

Statewide: Aug. 1, 2003 - Mar. 15, 2004; Aug. 1, 2004 - Mar. 15, 2005; Aug. 1, 2005 - Mar. 15, 2006.

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 04-05-113  
PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Filed February 18, 2004, 10:16 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-01-187.

Title of Rule: WAC 232-28-333 Game management units (GMUs) boundary descriptions—Region three.

Purpose: To amend WAC 232-28-333 Game management units (GMUs) boundary descriptions—Region three.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: The proposed change would add approximately 18,400 acres of mixed private and DNR owned land within the northern boundary of the Yakama Indian Reservation to GMU 368. This is an area known as tract C that was added to the Yakama Reservation in the early 1970s.

Reasons Supporting Proposal: This would open approximately 18,400 acres of prime hunting area for recreational hunting opportunity. At least one-half of the area is publicly owned by the Department of Natural Resources. The entire area is within the DNR Ahtanum Multiple Use Area, which includes roads, trails, campsites, and other recreational amenities. This would provide access to that public land. There has been ongoing confusion within the public as to whether this area was open for hunting. This would help clear up that confusion. This will also provide for a consistent treatment of similar lands within the Yakama Reservation.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Natural Resources Building, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Assistant Director, Natural Resources Building, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed change redraws the southern boundary of GMU 368 to include approximately 18,400 acres of

private and public land within the Yakama Indian Reservation. The purpose is to create additional recreational opportunity where we have jurisdiction over nonmember hunters, and clarify the status of this area for hunters. This should provide increased opportunity.

**Proposal Changes the Following Existing Rules:** The change will redraw the boundary to GMU 368 to include the area in question.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules regulate recreational hunters and do not directly regulate small business.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

**Hearing Location:** Red Lion Hotel "At the Park," 303 West North River Drive, Spokane, WA 99201, phone (509) 326-8000, on April 2-3, 2004, at 8:00 a.m.

**Assistance for Persons with Disabilities:** Contact Susan Yeager by March 29, 2004, TDD (360) 902-2207 or (360) 902-2267.

**Submit Written Comments to:** Washington Department of Fish and Wildlife, Attn: Wildlife Program April Meeting Public Comments, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by March 12, 2004.

**Date of Intended Adoption:** April 2, 2004.

February 18, 2004

Evan Jacoby

Rules Coordinator

**AMENDATORY SECTION** (Amending Order 03-175, filed 8/5/03, effective 9/5/03)

**WAC 232-28-333 Game management units (GMUs) boundary descriptions—Region three.**

**GMU 328-NANEUM (Kittitas and Chelan counties):**

Beginning US Hwy 97 and US Forest Service Rd 9716 at Blewett Pass; E on US Forest Service Rd 9716 to US Forest Service Rd 9712 (Liberty-Beehive Rd); E on US Forest Service Rd 9712 (Liberty-Beehive Rd) to the Naneum Ridge (Chelan-Kittitas county line) at the west boundary of Section 22, T21N, R19E; SE along the Naneum Ridge (Chelan-Kittitas county line), past Mission Peak, to Naneum Ridge Rd (WA Dept. of Fish and Wildlife Rd 9) at Wenatchee Mountain; SE on Naneum Ridge Rd (WA Dept. of Fish and Wildlife Rd 9) to Colockum Pass Rd (WA Dept. of Fish and Wildlife Rd 10); S on Colockum Pass Rd (WA Dept. of Fish and Wildlife Rd 10) to the Highline Canal (North Branch Canal); NW along the Highline Canal (North Branch Canal) to Lower Green Canyon Rd; S on Lower Green Canyon Rd to US Hwy 97; N on US Hwy 97 to Blewett Pass and the point of beginning.

**GMU 329-QUILOMENE (Kittitas and Chelan counties):**

Beginning on the Columbia River at the mouth of Tarpiscan Creek; E from Tarpiscan Creek to the Douglas-Kittitas county line on the Columbia River; S along the Columbia River (Douglas-Kittitas county line) to a point north of Cape Horn; S from the Columbia River (Douglas-Kittitas county line) to Cape Horn; S up Cape Horn to its rim; SE along the top of Cape Horn and the rim of the West Bar Cliffs (cliffs

overlooking West Bar) to WA Dept. of Fish and Wildlife Rd 14.14; E along WA Dept. of Fish and Wildlife Rd 14.14 to WA Dept. of Fish and Wildlife Rd 14.17; S along WA Dept. of Fish and Wildlife Rd 14.17 to WA Dept. of Fish and Wildlife Rd 14 rear gate; S on WA Dept. of Fish and Wildlife Rd 14 to Tekison Creek; SE along Tekison Creek its mouth on the Columbia River; E from Tekison Creek to the Grant-Kittitas county line on the Columbia River; S along Columbia River (Grant-Kittitas county line) to I-90 bridge at the town of Vantage; W along I-90 to Highline Canal (North Branch Canal); N on Highline Canal (North Branch Canal) to Colockum Rd (WA Dept. of Fish and Wildlife Rd 10); N on Colockum Rd to North Fork Tarpiscan Rd (WA Dept. of Fish and Wildlife Rd 10.10); E on North Fork Tarpiscan Rd to Tarpiscan Rd (WA Dept. of Fish and Wildlife Rd 14); S on Tarpiscan Rd (WA Dept. of Fish and Wildlife Rd 14) approximately 100 feet to Tarpiscan Creek; E down Tarpiscan Creek to its mouth on the Columbia River and the point of beginning.

**GMU 330-West Bar (Kittitas County):**

Beginning on the Columbia River at Cape Horn; S up Cape Horn to its rim; SE along the rim of Cape Horn and West Bar Cliffs (the cliffs overlooking West Bar) to WA Dept. of Fish and Wildlife Rd 14.14; E along Rd 14.14 to WA Dept. of Fish and Wildlife Rd 14.17; S along WA Dept. of Fish and Wildlife Rd 14.17 to WA Dept. of Fish and Wildlife Rd 14 near the gate; S on WA Dept. of Fish and Wildlife Rd. 14 to Tekison Creek; SE down Tekison Creek to its mouth on the Columbia River; E from Tekison Creek to the Kittitas-Grant county line on the Columbia River; N and W along the Columbia River (Kittitas-Grant then Kittitas-Douglas county lines) to a point north of Cape Horn; S from the aforesaid point in the Columbia River to Cape Horn and the point of beginning.

**GMU 334-ELLENSBURG (Kittitas County):**

Beginning on US Hwy 97 and Lower Green Canyon Rd; N on Lower Green Canyon Rd to Highline Canal; N, E and S along Highline Canal to I-90 and the Yakima Training Center boundary; S and W along the Yakima Training Center boundary to I-82; N on I-82 to Thrall Rd; W on Thrall Rd to Wilson Creek; S down Wilson Creek to Yakima River; N up Yakima River to Umptanum Rd; S up Umptanum Rd to the South Branch Extension Canal; W on South Branch Extension Canal to Bradshaw Rd; W on Bradshaw Rd to the elk fence; N along the elk fence to Taneum Creek; NE down Taneum Creek to the Yakima River; NE down the Yakima River to Thorp Hwy; NW along the Thorp Hwy to SR 10; SE on SR 10 to US Hwy 97 junction; N on US Hwy 97 to Lower Green Canyon Rd and point of beginning.

**GMU 335-TEANAWAY (Kittitas County):**

Beginning at I-90 and US Forest Service Trail 2000 (Pacific Crest Trail) at Snoqualmie Pass; N on US Forest Service Trail 2000 (Pacific Crest Trail) to the Alpine Lakes Wilderness boundary; E on the Alpine Lakes Wilderness boundary to the Chelan-Kittitas county line; E on US Forest Service Trail 1226 to US Hwy 97 at Blewett Pass; S on US Hwy 97 to SR 10; N and W on SR 10 to Thorp Hwy; SE on Thorp Hwy to Yakima River; SW up the Yakima River to Taneum Creek; SW up Taneum Creek to I-90; W on I-90 to US Forest

Service Trail 2000 (Pacific Crest Trail) at Snoqualmie Pass and the point of beginning.

**GMU 336-TANEUM (Kittitas County):**

Beginning at US Forest Service Trail 2000 (Pacific Crest Trail) and I-90 at Snoqualmie Pass; E on I-90 to Taneum Creek; W up Taneum Creek to the south fork of Taneum Creek; W up the south fork of Taneum Creek to US Forest Service Trail 1367; W on US Forest Service Trail 1367 to US Forest Service Trail 1363; S on US Forest Trail 1363 (Peaches Ridge Trail) to US Forest Service Trail 1388; W on US Forest Service Trail 1388 to US Forest Service Trail 2000 (Pacific Crest Trail) to Blowout Mountain; N on US Forest Service Trail 2000 (Pacific Crest Trail) to I-90 at Snoqualmie Pass and the point of beginning.

**GMU 340-MANASTASH (Kittitas County):**

Beginning at I-82 and SR 821; N on SR 821 to SR 823 (Harrison Rd); W on SR 823 (Harrison Rd) to Yakima River; N up Yakima River to Umtanum Creek; W up Umtanum Creek to Ellensburg-Wenas Rd; W and S along Ellensburg-Wenas Rd to North Fork Wenas Rd (Audubon Rd, W5000); NW along North Fork Wenas Rd to Barber Springs Rd; W on Barber Springs Rd to US Forest Service Trail 4W694; NW on US Forest Service Trail 4W694 to US Forest Service Trail 4W307; NW on US Forest Service Trail 4W307 to US Forest Service Trail 1388; NW on US Forest Service Trail 1388 to US Forest Service Trail 4W306; NW on US Forest Service Trail 4W306 to US Forest Service Trail 1388 at Quartz Mountain; NW along US Forest Service Rd 1388 to US Forest Service Trail 1363 (Peaches Ridge Trail); N and E along US Forest Service Trail 1363 (Peaches Ridge Trail) to US Forest Service Trail 1367; SE along US Forest Service Trail 1367 to South Fork Taneum Creek; E down the South Fork Taneum Creek to Taneum Creek; E down Taneum Creek to the elk fence; SE along the elk fence to Bradshaw Rd; E on Bradshaw Rd to South Branch Extension Canal; SE along the South Branch Extension Canal to Umtanum Rd; N on Umtanum Rd to Yakima River; S down the Yakima River to Wilson Creek; NE up Wilson Creek to Thrall Rd; E on Thrall Rd to I-82; SE and SW on I-82 to SR 821 and the point of beginning.

**GMU 342-UMTANUM (Kittitas and Yakima counties):**

Beginning at US Forest Service Rd 1701 and Barber Springs Rd (WA Dept. of Natural Resources Rd W5000) at T17N, R15E, NE 1/4 of Section 12; SE on Barber Springs Rd to the North Fork Wenas Rd (Audubon Rd); SE on the North Fork Wenas Rd to Wenas-Ellensburg Rd; NE on Wenas-Ellensburg Rd to Umtanum Creek; E down the Umtanum Creek to the Yakima River; S down the Yakima River to I-82; SE on I-82 to US Hwy 12 at the city of Yakima; NW on US Hwy 12 to SR 410; NW on SR 410 to US Forest Service Rd 1701; N on US Forest Service Rd 1701 to Barber Spring Rd-US Forest Service Trail 4W694 intersection and the point of beginning.

**GMU 346-LITTLE NACHES (Yakima and Kittitas counties):**

Beginning at US Forest Service Rd 1388 and US Forest Service Trail 2000 (Pacific Crest Trail) at Blowout Mountain; SE on US Forest Service Rd 1388 to US Forest Service Trail

4W306; SE on US Forest Service Trail 4W306 to US Forest Service Trail 1388; SE on US Forest Service Trail 1388 to US Forest Service Trail 4W307; SE on US Forest Service Trail 4W307 to US Forest Service Trail 4W694; E on US Forest Service Trail 4W694 to US Forest Service Rd 1701 (T17N, R15E, NW 1/4 of Section 12); S on US Forest Service Rd 1701 to SR 410; NW and SW on SR 410 to US Forest Service Trail 2000 (Pacific Crest Trail) near Chinook Pass; N on US Forest Service Trail 2000 (Pacific Crest Trail) to US Forest Service Rd 1388 at Blowout Mountain and the point of beginning.

**GMU 352-NILE (Yakima County):**

Beginning on the Bumping Lake Rd and SR 410; E and S on SR 410 to the Lower Nile Loop Rd; W and N on the Lower Nile Loop Rd to US Forest Service Rd 1500; W on US Forest Service Rd 1500 to US Forest Service Rd 1502 (McDaniel Lake Rd); W on the US Forest Service Rd 1502 (McDaniel Lake Rd) to Rattlesnake Creek; N down Rattlesnake Creek to the North Fork of Rattlesnake Creek; W up the North Fork of Rattlesnake Creek to US Forest Service Trail 973 (Richmond Mine Rd); N on US Forest Service Trail 973 (Richmond Mine Trail) to US Forest Service Rd 1800 (Bumping Lake Rd); N on the US Forest Service Rd 1800 (Bumping Lake Rd) to SR 410 and the point of beginning.

**GMU 356-BUMPING (Yakima County):**

Beginning on US Forest Service Trail 2000 (Pacific Crest Trail) and SR 410 at Chinook Pass; NE on SR 410 to US Forest Service Rd 1800 (Bumping Lake Rd); SW on the US Forest Service Rd 1800 (Bumping Lake Rd) to US Forest Service Trail 973 (Richmond Mine Rd); SE on US Forest Service Trail 973 (Richmond Mine Rd) to the north fork of Rattlesnake Creek; SE down the north fork of Rattlesnake Creek to US Forest Service Rd 1502 (McDaniel Lake Rd); SE on US Forest Service Rd 1502 (McDaniel Lake Rd) to US Forest Service Rd 1500; S on US Forest Service Rd 1500 to US Hwy 12; W on US Hwy 12 to US Forest Service Trail 2000 (Pacific Crest Trail) at White Pass; N on the US Forest Service Trail 2000 (Pacific Crest Trail) to SR 410 at Chinook Pass and the point of beginning. (Lands within the boundary of Mt. Rainier National Park along the Pacific Crest Trail are not open to hunting.)

**GMU 360-BETHEL (Yakima County):**

Beginning on SR 410 and the Lower Nile Loop Rd; SE on SR 410 to US Hwy 12; SW on US Hwy 12 to US Forest Service Rd 1500; N and E on US Forest Service Rd 1500 to Nile Loop Rd; SE on Nile Loop Rd to SR 410, southeast of the town of Nile, and the point of beginning.

**GMU 364-RIMROCK (Yakima County):**

Beginning on US Forest Service Trail 2000 (Pacific Crest Trail) and US Hwy 12 at White Pass; E on US Hwy 12 to US Forest Service 1302 (Jump Off Rd) at Windy Point; SW on US Forest Service 1302 (Jump Off Rd) to US Forest Service Trail 1127, southeast of the Jump Off Lookout; SW on US Forest Service Trail 1127 to US Forest Service Rd 613; SW on US Forest Service Rd 613 to US Forest Service Rd 1020; SW on US Forest Service Rd 1020 to US Forest Service Rd 615; SW on US Forest Service Rd 615 to US Forest Service Trail 1136; SW on US Forest Service Trail 1136 to its south-



ernmost point; W from US Forest Service Trail 1136 to Spenser Point; NW on the Yakama Indian reservation boundary from Spenser Point to the US Forest Service Trail 2000 (Pacific Crest Trail); N on the US Forest Service Trail 2000 (Pacific Crest Trail) to US Hwy 12 at White Pass and the point of beginning.

**GMU 368-COWICHE (Yakima County):**

Beginning on US Hwy 12 to US Forest Service Rd 1302 (Jump Off Rd) at Windy Point; NE and SE on US Hwy 12 to I-82; NW on I-82 to the Yakima River; S down the Yakima River to Ahtanum Creek; W up Ahtanum Creek to the south fork of Ahtanum Creek; SW up the south fork of Ahtanum Creek to its junction with Reservation Creek; (~~NW up the south fork of Ahtanum Creek to its headwaters; N along the crest of the main divide between the Diamond Fork drainage and the Middle Fork Ahtanum Creek drainage to Darland Mountain~~) SW up Reservation Creek to the high point on the ridge above its headwaters; NW to Spenser Point (as represented on the Mt. Adams DNR 100K Map); SE from Spenser Point to US Forest Service Trail 1136; NE on US Forest Service Trail 1136 to US Forest Service Trail 615; NE on US Forest Service Trail 615 to US Forest Service Rd 1020; NE on US Forest Service Rd 1020 to US Forest Service Rd 613; NE on US Forest Service Rd 613 to US Forest Service Trail 1127; NE on US Forest Service Trail 1127 to US Forest Service Rd 1302 (Jump Off Rd), SE of the Jump Off Lookout Station; NE on US Forest Service Rd 1302 (Jump Off Rd) to US Hwy 12 and the point of beginning.

**GMU 371-ALKALI (Kittitas and Yakima counties):**

Beginning at the Vantage Bridge where I-90 crosses the Columbia River; S down the Columbia River (Kittitas-Grant and Grant-Yakima county line) to the Priest Rapids Dam; NW on the southern shore of the Columbia River (Priest Rapids Lake) to the Yakima Training Center boundary; S and W along the Yakima Training Center boundary to the main gate on Firing Center Rd; W along Firing Center Rd to I-82; N along I-82 to Yakima Training Center boundary at Vanderbilt Gap; N and E along the Yakima Training Center boundary to I-90; E on I-90 to the Vantage Bridge on Columbia River and the point of beginning.

**GMU 372-KIONA (Benton and Yakima counties):**

Beginning at southern corner of Yakima Training Center border on the Columbia River, northwest of the Priest Rapids Dam; SE on the southern shore of the Columbia River (Priest Rapids Lake) to the Priest Rapids Dam; E along the Columbia River (Yakima-Grant, Grant-Benton county lines) to the Vernita Bridge on SR 24; E and S down the Benton County side of the Columbia River, following the ordinary high water mark of the shoreline, to the mouth of the Yakima River; NE from the mouth of the Yakima River to the Franklin-Benton county line in the Columbia River; SE down the Columbia River (Franklin-Benton and Benton-Walla Walla county lines) to the Washington-Oregon state line; W on the Columbia River (Washington-Oregon state line) from the southern junction of the Benton-Walla Walla county lines to Alder Creek (including all islands in the Columbia River north of the Oregon state line and between Alder Creek and the junction of the Benton-Walla Walla county lines); N on Alder Creek to SR 14; E on SR 14 to Alderdale Rd; N on the

Alderdale Rd to Ridge Rd; W and S on Ridge Rd to Donaho Rd; W on Donaho Rd to Mabton-Bickleton Hwy (Glade Rd); N on Mabton-Bickleton Rd to the power transmission lines; SW on the power transmission lines to the power line access road in Section 3, T6N, R20E; N on power line access road to Yakama reservation Road 272 at the Yakama Indian reservation boundary; NE on the Yakama Indian reservation boundary to the Mabton-Sunnyside Rd; N on the Mabton-Sunnyside Rd to the Yakima River; NW up the Yakima River to SR 823 (Harrison Rd) south of the town of Pomona; E along SR 823 (Harrison Rd) to SR 821; SE on SR 821 to Firing Center Rd at I-82; E on Firing Center Rd to the main gate of the Yakima Training Center; S and E along the Yakima Training Center boundary to southern corner of the Yakima Training Center boundary on the Columbia River and the point of beginning. (The Hanford Nuclear Reservation is closed to all unauthorized public entry.)

**GMU 381-ESQUATZEL (Franklin, Grant and Adams counties):**

Beginning at the Vernita Bridge on SR 24 and the west shore of the Columbia River Grant-Benton county line; N and E on SR 24 to Muse Rd; E on Muse Rd to Mail Rd; E on Mail Rd to Scootney Rd; N on Scootney Rd to SR 17; N on SR 17 to SR 26; E on SR 26 to Old SR 26; E on Old SR 26 to the Palouse River (Whitman-Franklin county line); S down the Palouse River to Snake River (Franklin-Walla Walla county line); W and SW down the Snake River to the Columbia River (Franklin-Benton-Walla Walla county line junction); NW up the Columbia River (Franklin-Benton county line) to a point northeast of the mouth of the Yakima River where it joins the Columbia River; SW to the mouth of the Yakima River; N and W up the Benton county side of the Columbia River, following the ordinary high water mark of the shoreline, to the mouth of the Vernita Bridge on SR 24 and the point of beginning. (Certain portions of the Hanford Reach National Monument are closed to public entry. The Hanford Nuclear Reservation and the Saddle Mountain National Wildlife Refuge are closed to unauthorized public entry.)

**GMU 382-EAST KLINKITAT (Klickitat County):**

Beginning at the US Hwy 97 Bridge on the Columbia River at the town of Maryhill; N on US Hwy 97 to the Yakama Indian reservation at Satus Pass; E along the Yakama Indian reservation boundary to Yakama Reservation Rd 272 and the power line access road; S and E on the power line access road to the electrical transmission lines; N and E on the electrical transmission lines to the Mabton-Bickleton Hwy (Glade Rd); S on the Mabton-Bickleton Hwy to Donaho Rd; E on Donaho Rd to Ridge Rd; E and N on Ridge Rd to Alderdale Rd; SE and S on Alderdale Rd to SR 14; W on SR 14 to Alder Creek; S down Alder Creek to the Columbia River; W down the Columbia River to the US Hwy 97 Bridge at the town of Maryhill and the point of beginning including all islands in the Columbia River both north of the Washington-Oregon state line and between Alder Creek and the US Hwy 97 Bridge at Maryhill.

**Reviser's note:** The spelling error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 04-05-114**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed February 18, 2004, 10:17 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-01-187.

Title of Rule: Hunting rules.

Purpose: To amend WAC 232-28-335 Game management units (GMUs) boundary descriptions—Region five.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: To correct a transposed road number.

Reasons Supporting Proposal: To clarify a GMU boundary.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Britnell, Assistant Director, Natural Resources Building, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Assistant Director, Natural Resources Building, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To clarify a GMU boundary.

Proposal Changes the Following Existing Rules: Corrects a road number.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules regulate recreational hunters and do not directly regulate small business.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Red Lion Hotel "At the Park," 303 West North River Drive, Spokane, WA 99201, phone (509) 326-8000, on April 2-3, 2004, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Susan Yeager by March 29, 2004, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Attn: Wildlife Program April Meeting Public Comments, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by March 12, 2004.

Date of Intended Adoption: April 2, 2004.

February 18, 2004

Evan Jacoby

Rules Coordinator

**AMENDATORY SECTION** (Amending Order 03-175, filed 8/5/03, effective 9/5/03)

**WAC 232-28-335 Game management units (GMUs) boundary descriptions—Region five.**

**GMU 501-LINCOLN (Lewis, Thurston, Pacific, and Grays Harbor counties):**

Beginning at the intersection of I-5 and SR 6; west on SR 6 to Stevens Rd; NW on Stevens Rd to Elk Creek Rd at the town

of Doty; W on Elk Creek Rd to Weyerhaeuser 7000 line; W and N on Weyerhaeuser 7000 line to Weyerhaeuser 7400 line; N on Weyerhaeuser 7400 line to Weyerhaeuser 7050 line; NE on Weyerhaeuser 7050 line to Weyerhaeuser 7000 line; NW and N on Weyerhaeuser 7000 line to the Weyerhaeuser 7800 line; N on Weyerhaeuser 7800 line to Weyerhaeuser 7800 F line; NE on Weyerhaeuser 7800 F line to Weyerhaeuser 720 line; E on Weyerhaeuser 720 line to Weyerhaeuser 723 line; NW on Weyerhaeuser 723 line to the Weyerhaeuser C line; NE on Weyerhaeuser C line to Garrard Creek Rd; NE on Garrard Creek Rd to South Bank Rd; E on South Bank Rd to North State St; N on North State St to US Hwy 12 at the town of Oakville; E on US Hwy 12 to I-5; S on I-5 to SR 6 and point of beginning.

**GMU 503-RANDLE (Lewis County):**

Beginning at the intersection of US Hwy 12 and the Rainier Timber 100 Mainline (Kosmos Rd, Old Champion Haul Rd); E on US Hwy 12 to SR 131; S on SR 131 to US Forest Service Rd 25; S on the US Forest Service Rd 25 to the Cispus River; W on the Cispus River to Rainier Timber 271 line; S on the Rainier Timber 271 line to the Rainier Timber 300 line; W on the Rainier Timber 300 line to the Rainier Timber 100 line; N on the Rainier Timber 100 line (Kosmos Rd) to US Hwy 12 and the point of beginning.

**GMU 504-STELLA (Cowlitz County):**

Beginning at the mouth of the Cowlitz River on the Columbia River; W down the Columbia River to the mouth of Germany Creek (including all islands in the Columbia River which are both north of the Washington-Oregon state line and between the Cowlitz River and Germany Creek); N up Germany Creek to SR 4; E on SR 4 to Germany Creek Rd; N on Germany Creek Rd to International Paper 1000 line; N on International Paper 1000 line to International Paper 1050 line; E on International Paper 1050 line to International Paper 2200 line; E and S on International Paper 2200 to Woodside Dr; NE on Woodside Dr to Delameter Rd; E on Delameter Rd to the three power lines; N along the three power lines to Weyerhaeuser 9312 line; E on Weyerhaeuser 9312 line to Growlers Gulch Rd; E on Growlers Gulch Rd to Public Highway 10 Rd; E along the Public Highway 10 Rd to the A Street bridge over the Cowlitz River at the town of Castle Rock; S down the Cowlitz River to the Columbia River and point of beginning.

**GMU 505-MOSSYROCK (Lewis County):**

Beginning on I-5 and the Cowlitz River; NE up the Cowlitz River to the Mayfield Dam; NE along the south shore of Mayfield Lake to the US Hwy 12 bridge; NE on US Hwy 12 to Winston Creek Rd; SE on Winston Creek Rd to Longbell Rd; E on Longbell Rd to Perkins Rd; NE on Perkins Rd to Green Mountain Rd; E on Green Mountain Rd to the outlet of Swofford Pond; E along the Swofford Pond outlet to Riffe Lake; E along the south shore of Riffe Lake to the Cowlitz River; up the Cowlitz River to the Rainier Timber 100 Mainline; N on the Rainier Timber 100 Mainline to US Hwy 12; W on US Hwy 12 to SR 7 at the town of Morton; N on SR 7 to SR 508; W on Highway 508 to Centralia-Alpha Rd; W and N on Centralia-Alpha Rd to Salzer Valley Rd; W on Salzer Valley Rd to Summa St at the town of Centralia; W on Summa St to Kresky Rd; N on Kresky Rd to Tower St; N on Tower St to

SR 507; W on SR 507 (Cherry St, Alder St, and Mellen St) to I-5; S on I-5 to the Cowlitz River and point of beginning.

**GMU 506-WILLAPA HILLS (Wahkiakum, Pacific and Lewis counties):**

Beginning at SR 6 and 3rd St South at the town of Pe Ell; S on 3rd St South to Muller Rd; S on Muller Rd to Weyerhaeuser 1000 line; S on Weyerhaeuser 1000 line to Weyerhaeuser 1800 line; S on Weyerhaeuser 1800 line to Weyerhaeuser 500 line; SE on Weyerhaeuser 500 line to SR 407 (Elochoman Valley Rd) at Camp 2; S on SR 407 (Elochoman Valley Rd) to the Elochoman River; down the Elochoman River to Foster Rd; N on Foster Rd to Risk Rd; W and N along Risk Rd to SR 4; W on SR 4 to Skamokawa Creek; SW down Skamokawa Creek to the Columbia River; W along Columbia River to the mouth of the Deep River (including all islands in the Columbia River which are both north of the Washington state line and between Skamokawa Creek and Deep River); N along the Deep River to SR 4; NW on SR 4 to the Salmon Creek Rd; NE on Salmon Creek Rd to Weyerhaeuser 5000 line; N on Weyerhaeuser 5000 line to Weyerhaeuser 5800 line; NE on Weyerhaeuser 5800 line to power transmission line; N on the power transmission line to SR 6; E on SR 6 to the town of Pe Ell and the point of beginning.

**GMU 510-STORMKING (Lewis County):**

Beginning on US Hwy 12 at the Silver Creek bridge; N up Silver Creek to Silverbrook Rd; E on Silverbrook Rd to US Forest Service Rd 47; N on US Forest Service Rd 47 to US Forest Service Rd 85; W and N on US Forest Service Rd 85 to US Forest Service Rd 52; N on US Forest Service Rd 52 to the Nisqually River; W down the Nisqually River to SR 7; S on Hwy 7 to US Hwy 12 at the town of Morton; E on US Hwy 12 to the Silver Creek bridge and point of beginning.

**GMU 513-SOUTH RAINIER (Lewis County):**

Beginning on US Hwy 12 at the Silver Creek bridge; N up Silver Creek to Silverbrook Rd; E on Silverdale Rd to US Forest Service Rd 47; N on US Forest Service Rd 47 to US Forest Service Rd 85; W and N on US Forest Service Rd 85 to US Forest Service Rd 52; W and N on US Forest Service Rd 52 to the Nisqually River; E up the Nisqually River to the southern boundary of Mount Rainier National Park; E along the south park boundary to the Pacific Crest Trail (US Forest Service Trail 2000); S along the Pacific Crest Trail (US Forest Service Trail 2000) to US Hwy 12; W on US Hwy 12 to the Silver Creek bridge and point of beginning.

**GMU 516-PACKWOOD (Lewis and Skamania counties):**

Beginning at US Hwy 12 and Pacific Crest Trail at White Pass; S on Pacific Crest Trail (US Forest Service Trail 2000) to US Forest Service Trail 98 at Sheep Lake; W on US Forest Service Trail 98 to US Forest Service Rd 2160 at Walupt Lake; W on US Forest Service Rd 2160 to US Forest Service Rd 21; S and W on US Forest Service Rd 21 to US Forest Service Rd 23; S on US Forest Service Rd 23 to US Forest Service Trail 263; S and W on US Forest Service Trail 263 to US Forest Service Trail 261; S on US Forest Service Trail 261 to US Forest Service Trail 1; W on US Forest Service Trail 1 to US Forest Service Rd 99; W on US Forest Service Rd 99 to US Forest Service Rd 26; N on US Forest Service Rd 26 to US Forest Service Rd 2612; W on US Forest Service

Rd 2612 to US Forest Service Trail 217; N and W on US Forest Service Trail 217 to Weyerhaeuser 2600 line; Weyerhaeuser 2600 line to Weyerhaeuser 2658 line; N on Weyerhaeuser 2658 line to Rainier Timber (Campbell Group) 430 line; N on Rainier Timber 430 line to the Rainier Timber Mainline 400 line; N and E on Rainier Timber Mainline 400 line to Rainier Timber 300 line; E on Rainier Timber 300 line to Rainier Timber 271 line; N on Rainier Timber 271 line to the Cispus River; E on the Cispus River to US Forest Service Rd 25; N on US Forest Service Rd 25 to SR 131; N on SR 131 to US Hwy 12; E on US Hwy 12 to the Pacific Crest Trail (US Forest Service Trail 2000) at White Pass and beginning.

**GMU 520-WINSTON (Cowlitz, Lewis and Skamania counties):**

Beginning at the bridge at intersection of I-5 and the Cowlitz River; S down the Cowlitz River to the Toutle River; E up the Toutle River to the South Fork Toutle River; SE up South Fork Toutle River to Johnson Creek; NE up Johnson Creek to Weyerhaeuser 4400 line; N along Weyerhaeuser 4400 line to Weyerhaeuser 2421 line; N along Weyerhaeuser 2421 line to Weyerhaeuser 2400 line; NW along Weyerhaeuser 2400 line to Alder Creek; NW down Alder Creek to North Fork Toutle River; W down the North Fork Toutle River to the Green River; E up the Green River to US Forest Service Rd 2612; E on US Forest Service Rd 2612 to US Forest Service Trail 217; N and W on US Forest Service Trail 217 to Weyerhaeuser 2600 line; W on Weyerhaeuser 2600 line to Weyerhaeuser 2658 line; N on Weyerhaeuser 2658 line to Rainier Timber (Campbell Group) 430 line; N on Rainier Timber 430 line to Rainier Timber 400 Mainline; N and E on Rainier Timber 400 Mainline to Rainier Timber 100 Mainline; N on Rainier Timber 100 Mainline to Cowlitz River; W down the Cowlitz River to Riffe Lake; W along the south shore to the Swofford Pond outlet; W along the Swofford Pond outlet to Green Mountain Rd; W on Green Mountain Rd to Perkins Rd; SW on Perkins Rd to Longbell Rd; W on Longbell Rd to Winston Creek Rd; NW on Winston Creek Rd to US Hwy 12; SW on US Hwy 12 to the Mayfield Lake bridge at Mayfield Lake; SW down the south shore of Mayfield Lake to the Cowlitz River at Mayfield Dam; SW down the Cowlitz River to I-5 bridge crossing the Cowlitz River and point of beginning.

**GMU 522-LOO-WIT (Cowlitz and Skamania counties):**

Beginning on the North Fork Toutle River at the mouth of Hoffstadt Creek; SE up the North Fork Toutle River to Deer Creek; SE up Deer Creek to Weyerhaeuser 3020 line; NW along Weyerhaeuser 3020 line to Weyerhaeuser 3000 line; E along Weyerhaeuser 3000 line to US Forest Service Trail 216G; SE along US Forest Service Trail 216G to the intersection of US Forest Service Trail 238 and US Forest Service Trail 216; S on US Forest Service Trail 238 to South Fork of the Toutle River; E along South Fork Toutle River to its headwaters and Mount St. Helens crater's edge; E along the Mount St. Helens crater's southern edge to the headwaters of Ape Canyon Creek; NE down Ape Canyon Creek to US Forest Service Trail 225 (Smith Creek Trail); N and NW on US Forest Service Trail 225 (Smith Creek Trail) to US Forest Service Rd 99; NE along US Forest Service Rd 99 to US Forest Service Rd 26; N on US Forest Service Rd 26 to US Forest Service Trail 1; W on US Forest Service Trail 1 to US

Forest Service Trail 214; NW on US Forest Service Trail 214 to US Forest Service Trail 211; W on US Forest Service Trail 211 to Coldwater Creek; W down Coldwater Creek to Coldwater Lake; SW along the northwest shore of Coldwater Lake to the outlet of Coldwater Lake; SW down the outlet stream from Coldwater Lake to SR 504 bridge at mile post 45; W on SR 504 to Hoffstadt Creek Bridge on Hoffstadt Creek; S and W down Hoffstadt Creek to the North Fork Toutle River and point of beginning.

**GMU 524-MARGARET (Cowlitz, Skamania and Lewis counties):**

Beginning on the North Fork Toutle River at the mouth of the Green River; SE up the North Fork Toutle River to the mouth of Hoffstadt Creek; N and E up Hoffstadt Creek to the SR 504 bridge over Hoffstadt Creek; E on SR 504 to the bridge over the outlet to Coldwater Lake at mile post 45; NE up the outlet stream of Coldwater Lake to Coldwater Lake; NE along the northwest shoreline of Coldwater Lake to Coldwater Creek inlet; E up Coldwater Creek to US Forest Service Trail 211; NE on US Forest Service Trail 211 to US Forest Service Trail 214; SE on US Forest Service Trail 214 to US Forest Service Trail 1; E on US Forest Service Trail 1 to US Forest Service Rd 26; N on the US Forest Service Rd 26 (Ryan Lake Rd) to US Forest Service Rd 2612; W on US Forest Service Rd 2612 to the Green River; W down the Green River to its mouth on the North Fork of the Toutle River and point of beginning.

**GMU 530-RYDERWOOD (Cowlitz, Lewis and Wahkiakum counties):**

Beginning at Stevens Rd and SR 6, south of the town of Doty; E on SR 6 to I-5 at the town of Chehalis; S on I-5 to the Cowlitz River; S along the Cowlitz River to Public Hwy 10 on the A Street bridge at the town of Castle Rock; W on the Public Hwy 10 to Growler's Gulch Rd; W on Growler's Gulch Rd to Weyerhaeuser 9312 line; W on Weyerhaeuser 9312 line to three power lines; S on the three power lines to Delameter Rd; SW on Delameter Rd to Woodside Dr; SW on Woodside Dr to International Paper Rd 2200; N and W on International Paper Rd 2200 to International Paper Rd 1050; W on International Paper Rd 1050 to International Paper Rd 1000; S on International Paper Rd 1000 to the Germany Creek Rd; S on the Germany Creek Rd to SR 4; W on SR 4 to Germany Creek; S along Germany Creek to its mouth at the Columbia River; W along the Columbia River to Skamokawa Creek (including all islands in the Columbia River which are both north of the Washington state line and between Skamokawa Creek and Germany Creek); NE up Skamokawa Creek to SR 4; E on SR 4 to Risk Rd; SE on Risk Rd to Foster Rd; S on Foster Rd to the Elochoman River; SE up the Elochoman River to SR 407 (Elochoman Valley Rd); NE on SR 407 (Elochoman Valley Rd) to Weyerhaeuser 500 line at Camp 2; NW on Weyerhaeuser 500 line to Weyerhaeuser 1800 line; N on Weyerhaeuser 1800 line to Weyerhaeuser 1000 line; N on Weyerhaeuser 1000 line to Muller Rd; N on Muller Rd to 3rd St South in the town of Pe Ell; N on 3rd St South to SR 6 at the town of Pe Ell; N on SR 6 to Stevens Rd, south of the town of Doty, and the point of beginning.

**GMU 550-COWEEMAN (Cowlitz County):**

Beginning at the mouth of the Toutle River on the Cowlitz River; E along the Toutle River to the South Fork Toutle

River; up the South Fork Toutle River to Weyerhaeuser 4100 line; E on Weyerhaeuser 4100 line to Weyerhaeuser 4950 line; S and E on Weyerhaeuser 4950 line to Weyerhaeuser 235 line; SE on Weyerhaeuser 235 line to Weyerhaeuser 200 line; W on Weyerhaeuser 200 line to Weyerhaeuser 240 line; SE on Weyerhaeuser 240 line to Weyerhaeuser 234 line; E on Weyerhaeuser (([234]-[243])) 243 line to Weyerhaeuser 135A line; S on Weyerhaeuser 135A line to Weyerhaeuser 135 line; E on Weyerhaeuser 135 line to Weyerhaeuser 134 line; SW on Weyerhaeuser 134 line to Weyerhaeuser 133 line; SW on Weyerhaeuser 133 line to Weyerhaeuser 130 line; SW on Weyerhaeuser 130 line to Weyerhaeuser 1680 line; W on Weyerhaeuser 1680 line to Weyerhaeuser 1600 line; SE on Weyerhaeuser 1600 line to Weyerhaeuser 1400 line; W on Weyerhaeuser 1400 line to Weyerhaeuser 1420 line which is the Kalama/Coweeman Summit; SE on Weyerhaeuser 1420 line to Weyerhaeuser 1426 line; W on Weyerhaeuser 1426 line to Weyerhaeuser 1428 line; SW on Weyerhaeuser 1428 line to Weyerhaeuser 1429 line which turns into Weyerhaeuser 6400 line; SW down Weyerhaeuser 6400 line to Weyerhaeuser 6000 line; E on Weyerhaeuser 6000 line to Weyerhaeuser 6450 line; SE for approximately one mile on Weyerhaeuser 6450 line (crossing the Kalama River) to Weyerhaeuser 6452 line; SE on Weyerhaeuser 6452 line to Dubois Rd; SE on Dubois Rd to SR 503; W on SR 503 to Cape Horn Creek; SE down Cape Horn Creek to Merwin Reservoir; SW along the north shore of Merwin Reservoir to the Lewis River; SW down the Lewis River to the power transmission lines in Section 4, T5N, R2E; NW along the power transmission lines to Northwest Natural Gas Pipeline located east of the town of Kalama, approximately 1/2 mile east of China Gardens Rd; N up the Natural Gas Pipeline right of way to Ostrander Creek; W down Ostrander Creek to the Cowlitz River; N on the Cowlitz River to the Toutle River and point of beginning.

**GMU 554-YALE (Cowlitz and Clark counties):**

Beginning on SR 503 at its crossing of Cape Horn Creek; E on SR 503 to Weyerhaeuser 6600 line (Rock Creek Rd); NE on Weyerhaeuser 6600 line (Rock Creek Rd) to Weyerhaeuser 6690 Rd; N and E on Weyerhaeuser 6690 line to Weyerhaeuser 6696 line; N on Weyerhaeuser 6696 line to West Fork Speelyai Creek; SE down West Fork Speelyai Creek to the main stem of the Speelyai Creek; SW and SE down Speelyai Creek to SR 503; NE on SR 503 to Dog Creek; S down Dog Creek to Yale Reservoir; S and W along western shore of Reservoir to Yale Dam and the North Fork Lewis River; W along the northern shore of the North Fork Lewis River to State Route 503 bridge crossing; S and W along SR 503 to N.E. 221st Ave; N about 1/4 mile on N.E. 221st Ave to N.E. Cedar Creek Rd; W along N.E. Cedar Creek Rd to N.E. Pup Creek Rd; N on N.E. Pup Creek Rd to N.E. Buncome Hollow Rd; N about 1/4 mile on N.E. Buncome Hollow Rd to electrical transmission line; S and W on the electrical transmission line to the north shore of the North Fork Lewis River; NE along the north shore of the North Fork Lewis River to Merwin Reservoir at the Merwin Dam; NE along the north shore of Merwin Reservoir to Cape Horn Creek; NW up Cape Horn Creek to SR 503 and the point of beginning.

**GMU 556-TOUTLE (Cowlitz County):**

Beginning on the intersection of SR 503 (Lewis River Rd) and US Forest Service Rd 81 (Merrill Lake Rd); N on US Forest Service Rd 81 to Weyerhaeuser 7200 line; NW on Weyerhaeuser 7200 line to Weyerhaeuser 7400 line; N on Weyerhaeuser 7400 line to Weyerhaeuser 5500 line; E and N on Weyerhaeuser 5500 line to Weyerhaeuser 5670 line; N and E on Weyerhaeuser 5670 line to Weyerhaeuser 5660 line; N on Weyerhaeuser 5660 line about a 1/4 mile to the South Fork Toutle River; E on the South Fork Toutle River to US Forest Service Trail 238; N on US Forest Service Trail 238 to the intersection of US Forest Service Trail 216 and US Forest Service Trail 216G; NW on US Forest Service Trail 216G to Weyerhaeuser 3000 line; W on Weyerhaeuser 3000 line to Weyerhaeuser 3020 line; SE on Weyerhaeuser 3020 line to Deer Creek; NW down Deer Creek to the North Fork Toutle River; down the North Fork Toutle River to Alder Creek; up Alder Creek to Weyerhaeuser 2400 line; S on Weyerhaeuser 2400 line to Weyerhaeuser 2421 line; S on Weyerhaeuser 2421 line to Weyerhaeuser 4400 line; S and W along Weyerhaeuser 4400 line to Johnson Creek; S along Johnson Creek to the South Fork Toutle River; SE up the South Fork Toutle River to Weyerhaeuser 4100 line; E on Weyerhaeuser 4100 line to the Weyerhaeuser 4950 line; S and E on Weyerhaeuser 4950 line to Weyerhaeuser 235 line; SE on Weyerhaeuser 235 line to Weyerhaeuser 200 line; W on Weyerhaeuser 200 line to Weyerhaeuser 240 line; SE on Weyerhaeuser 240 line to Weyerhaeuser 234 line; E on Weyerhaeuser 234 line to Weyerhaeuser 135A line; S on Weyerhaeuser 135A line to Weyerhaeuser 135 line; E on Weyerhaeuser 135 line to Weyerhaeuser 134 line; SW on Weyerhaeuser 134 line to Weyerhaeuser 133 line; SW on Weyerhaeuser 133 line to Weyerhaeuser 130 line; SW on Weyerhaeuser 130 line to Weyerhaeuser 1680 line; W on Weyerhaeuser 1680 line to Weyerhaeuser 1600 line; SE on Weyerhaeuser 1600 line to Weyerhaeuser 1400 line; W on Weyerhaeuser 1400 line to Weyerhaeuser 1420 line which is the Kalama/Coweeman Summit; SE on Weyerhaeuser 1420 line to Weyerhaeuser 1426 line; W on Weyerhaeuser 1426 line to Weyerhaeuser 1428 line; SW on Weyerhaeuser 1428 line to Weyerhaeuser 1429 line; SW on Weyerhaeuser 1429 line to Weyerhaeuser 6400 line; SW on Weyerhaeuser 6400 line to Weyerhaeuser 6000 line; E on Weyerhaeuser 6000 line to Weyerhaeuser 6450 line; SE for approximately one mile on Weyerhaeuser 6450 line (crossing the Kalama River) to Weyerhaeuser 6452 line; SE on Weyerhaeuser 6452 line to Dubois Rd; SE on Dubois Rd to SR 503; E on SR 503 to Weyerhaeuser 6600 line (Rock Creek Rd); NE on Weyerhaeuser 6600 line (Rock Creek Rd) to Weyerhaeuser 6690 Rd; N and E on Weyerhaeuser 6690 line to Weyerhaeuser 6696 line; N on Weyerhaeuser 6696 line to West Fork Speelyai Creek; SE down West Fork Speelyai Creek to the main stem of Speelyai Creek; SW and SE down Speelyai Creek to SR 503; NE on SR 503 to US Forest Service Rd 81 and point of beginning.

**GMU 558-MARBLE (Cowlitz and Skamania counties):**

Beginning on SR 503 (Lewis River Rd) and the US Forest Service Rd 81 intersection; N on US Forest Service Rd 81 to Weyerhaeuser 7200 line; NE on Weyerhaeuser 7200 line to Weyerhaeuser 7400 line; NW on Weyerhaeuser 7400 line to Weyerhaeuser 5500 line; E and N on Weyerhaeuser 5500 line

to Weyerhaeuser 5670 line; N and E on Weyerhaeuser 5670 line to Weyerhaeuser 5660 line; N on Weyerhaeuser 5660 line about 1/4 mile to the South Fork Toutle River; E along South Fork Toutle River to its headwaters and Mount St. Helens crater's edge; E along the Mount St. Helens crater's southern edge to the headwaters of Ape Canyon Creek; NE down Ape Canyon Creek to the US Forest Service Trail 225 (Smith Creek Trail); N and NW on US Forest Service Trail 225 (Smith Creek Trail) to US Forest Service Rd 99; NE on US Forest Service Rd 99 to US Forest Service Trail 1; S and E on US Forest Service Trail 1 to US Forest Service Rd 25; S on US Forest Service Rd 25 to the Muddy River; S down the Muddy River to the North Fork Lewis River; W down the North Fork Lewis River to the Swift Reservoir; W along the north shore of the Swift Reservoir to Swift Dam and the Lewis River; W down the Lewis River to Yale Reservoir; W along the north shore of the Yale Reservoir to the mouth of Dog Creek; N up Dog Creek to SR 503; SW on SR 503 to US Forest Service Rd 81 and point of beginning.

**GMU 560-LEWIS RIVER (Skamania, Klickitat, Yakima and Lewis counties):**

Beginning on SR 141 and Mount Adams Recreational Area Rd at the town of Trout Lake; N on the Mount Adams Recreational Area Rd to US Forest Service Rd 80 (Mount Adams Recreational Area Rd); N on US Forest Service Rd 80 (Mount Adams Recreational Area Rd) to US Forest Service Rd 82 (Mount Adams Recreational Area Rd); N on US Forest Service Road 82 to Yakama Indian Reservation boundary (Section 16, T7N, R11E); N along the Yakama Indian reservation boundary (Cascade Mountain Range Crest) to US Forest Service Trail 2000 (Pacific Crest Trail) in Section 3, T11N, R11E; S on US Forest Service Trail 2000 (Pacific Crest Trail) to US Forest Service Trail 98 at Sheep Lake; W on US Forest Service Trail 98 to US Forest Service Rd 2160 at Walupt Lake; W on US Forest Service Rd 2160 to US Forest Service Rd 21; S and W on US Forest Service Rd 21 to US Forest Service Rd 23; S on US Forest Service Rd 23 to US Forest Service Trail 263; S and W on US Forest Service Trail 263 to US Forest Service Trail 261; S on US Forest Service Trail 261 to US Forest Service Trail 1; W on US Forest Service Trail 1 to US Forest Service Rd 25; S on US Forest Service Rd 25 to the Muddy River; S down the Muddy River to the North Fork Lewis River; W down the North Fork Lewis River to US Forest Service Rd 90 bridge (Eagle Cliff); E on US Forest Service Rd 90 to US Forest Service Rd 51 (Curly Creek Rd); SE on US Forest Service Rd 51 (Curly Creek Rd) to US Forest Service Rd 30; NE on US Forest Service Rd 30 to US Forest Service Rd 24; SE on US Forest Service Rd 24 to SR 141; NE on SR 141 to Mount Adams Recreational Area Rd, at the town of Trout Lake and point of beginning.

**GMU 564-BATTLE GROUND (Clark, Skamania, and Cowlitz counties):**

Beginning at the mouth of Ostrander Creek on the Cowlitz River; E up Ostrander Creek approximately 1 1/2 miles to the second Northwest Natural Gas Pipeline right of way crossing Ostrander Creek, east of the railroad crossing; S along the Northwest Natural Gas Pipeline right of way to the power transmission lines right of way located east of the town of Kalama, approximately 1/2 mile east of China Garden Rd; SE

along the power transmission lines right of way across the north fork of the Lewis River in the northeast corner of Section 4, T5N, R2E to N.E. Buncome Hollow Rd; S on N.E. Buncome Hollow Rd to N.E. Pup Creek Rd; S on N.E. Pup Creek Rd to N.E. Cedar Creek Rd; E on N.E. Cedar Creek Rd to 221st Ave; S along 221st Ave about 1/4 mile to SR 503; SE along SR 503 to N.E. Amboy Rd; S on N.E. Amboy Rd to N.E. Yacolt Rd; E on Yacolt Rd to Railroad Ave; SE on Railroad Ave to Lucia Falls Rd; W on Lucia Falls Rd to Hantwick Rd; SE on Hantwick Rd to Basket Flats Rd; W on Basket Flats Rd to N.E. 197th Ave; S on N.E. 197th Ave to N.E. 279th St; W on N.E. 279th St to N.E. 182nd Ave; S on N.E. 182nd Ave to N.E. 259th St; E on N.E. 259th St to N.E. 220th Ave; S on N.E. 220th Ave to N.E. Cresap Rd; SE on N.E. Cresap Rd to N.E. 222nd Ave; S on N.E. 222nd Ave to N.E. Allworth Rd; E on N.E. Allworth Rd to NE 232nd Ave; S on N.E. 232nd Ave to N.E. 237th St; E on N.E. 237th St to N.E. 240th Ave; S on N.E. 240th Ave to N.E. Berry Rd; NE on N.E. Berry Rd to the DNR L-1410 Rd; SE on L-1410 Rd to the DNR L-1400 Rd; W on L-1400 Rd to N.E. Rawson Rd; W on N.E. Rawson Rd to N.E. Powell Rd; SW on N.E. Powell Rd to N.E. 212th Ave; S on N.E. 212th Ave to N.E. 109th St; E on N.E. 109th St to N.E. 222nd Ave; S on N.E. 222nd Ave to N.E. 83rd St; W on N.E. 83rd St to N.E. 217th Ave; S on N.E. 217th Ave to N.E. 68th St; E on N.E. 68th St to N.E. 232nd Ave; S on N.E. 232nd Ave to SR 500; SE on SR 500 to N.E. 53rd St; E on N.E. 53rd St to N.E. 292nd Ave; S on N.E. 292nd Ave to N.E. Ireland Rd; E on N.E. Ireland Rd to N.E. Stauffer Rd; SW on N.E. Stauffer Rd to N.E. 292nd Ave; S on N.E. 292nd Ave to N.E. Reilly Rd; SW on N.E. Reilly Rd to N.E. Blair Rd; SE on N.E. Blair Rd to N.E. Zeek Rd; E on N.E. Zeek Rd to N.E. 10th St; E on N.E. 10th St to N.E. 312th Ave; S on N.E. 312th Ave to N.E. 9th St; E on N.E. 9th St to N.E. 322nd Ave; N on N.E. 322nd Ave to N.E. Ammeter Rd; NE on N.E. Ammeter Rd approximately 1/8th mile to the power transmission lines; E along the northern margin of the power transmission lines to N.E. Hughes Rd; N on N.E. Hughes Rd to N.E. 392nd Ave; N on N.E. 392nd Ave to N.E. 28th St; E on N.E. 28th St to N.E. Miller Rd; NE on N.E. Miller Rd to N.E. 39th St; E on N.E. 39th St to Skye Rd; SE on Skye Rd to Washougal River Rd; S on Washougal River Rd to SR 140; SE on SR 140 to Cape Horn Rd; S on Cape Horn Rd to Columbia River; W down the Columbia River to the Cowlitz River (including all islands in the Columbia River which are both on the Washington side of the state line and between Cape Horn Rd and the Cowlitz River); N along Cowlitz River to Ostrander Creek and point of beginning.

**GMU 568-WASHOUGAL (Clark and Skamania counties):**

Beginning on the Lewis River at SR 503; E on Lewis River (Cowlitz-Clark County line) to Canyon Creek; SE along Canyon Creek to N.E. Healy Rd; E on N.E. Healy Rd to US Forest Service Rd 54; E on US Forest Service Rd 54 to US Forest Service Rd 37; NW on US Forest Service Rd 37 to US Forest Service Rd 53; S on US Forest Service Rd 53 to US Forest Service Rd 4205 (Gumboat Rd); S on US Forest Service Rd 4205 to US Forest Service Rd 42 (Green Fork Rd); SW on US Forest Service Rd 42 to US Forest Service Rd 41 at Sunset Falls; E on US Forest Service Rd 41 to US Forest Service Rd

406 at Little Lookout Mountain; SE on US Forest Service Rd 406 to the boundary of the Gifford Pinchot National Forest; due E on the national forest boundary to Rock Creek; SE along Rock Creek to the Columbia River at the town of Stevenson; W down the Columbia River to the Cape Horn Rd (including all islands in the Columbia River which are both on the Washington side of the state line and between Cape Horn Rd and Rock Creek); N on Cape Horn Rd to SR 140; W on SR 140 to Washougal River Rd; E on Washougal River Rd to Skye Rd; NW on Skye Rd to N.E. 39th St; W on N.E. 39th St to N.E. Miller Rd; SW on N.E. Miller Rd to N.E. 28th St; W on N.E. 28th St to N.E. 392nd Ave; S on N.E. 392nd Ave to N.E. Hughes Rd; S on N.E. Hughes Rd approximately 1/8th mile to the power transmission lines; W along the northern margin of the power transmission lines to N.E. Ammeter Rd; SW on N.E. Ammeter Rd to N.E. 322nd Ave; S on N.E. 322nd Ave to N.E. 9th St; W on N.E. 9th St to N.E. 312th Ave; N on N.E. 312th Ave to N.E. 10th St; W on N.E. 10th St to N.E. Zeek Rd; W on N.E. Zeek Rd to N.E. Blair Rd; NW on N.E. Blair Rd to N.E. Reilly Rd; NE on N.E. Reilly Rd to N.E. 292nd Ave; NE on N.E. 292nd Ave to N.E. Stauffer Rd; NE on N.E. Stauffer Rd to N.E. Ireland Rd; W on N.E. Ireland Rd to N.E. 292nd Ave; N on N.E. 292nd Ave to N.E. 53rd St; W on N.E. 53rd St to SR 500; NW on SR 500 to N.E. 232nd Ave; N on N.E. 232nd Ave to N.E. 68th St; W on N.E. 68th St to N.E. 217th Ave; N on N.E. 217th Ave to N.E. 83rd St; E on N.E. 83rd St to N.E. 222nd Ave; N on N.E. 222nd Ave to NE 109th St; W on N.E. 109th St to N.E. 212th Ave; N on N.E. 212th Ave to N.E. Powell Rd; NE on N.E. Powell Rd to N.E. Rawson Rd; E on Rawson Rd to DNR L-1400 Rd; E on DNR L-1400 Rd to DNR L-1410 Rd; NW on DNR L-1410 Rd to N.E. Berry Rd; SW on N.E. Berry Rd to N.E. 240th Ave; N on N.E. 240th Ave to N.E. 237th St; W on N.E. 237th St to N.E. 232nd Ave; N on N.E. 232nd Ave to N.E. Allworth Rd; W on N.E. Allworth Rd to N.E. 222nd Ave; N on N.E. 222nd Ave to N.E. Cresap Rd; NW on N.E. Cresap Rd to N.E. 220th Ave; N on N.E. 220th Ave to N.E. 259th St; W on N.E. 259th St to N.E. 182nd Ave; N on N.E. 182nd Ave to N.E. 279th St; E on N.E. 279th St to N.E. 197th Ave; N on N.E. 197th Ave to N.E. Basket Flats Rd; E on N.E. Basket Flats Rd to N.E. Hantwick Rd; NW on N.E. Hantwick Rd to Lucia Falls Rd; E on Lucia Falls Rd to Railroad Ave; NW on Railroad Ave to N.E. Yacolt Rd; W on N.E. Yacolt Rd to N.E. Amboy Rd; N on N.E. Amboy Rd to N.E. 221st Ave; N on 221st Ave to SR 503; NE along SR 503 to the Lewis River and point of beginning.

**GMU 572-SIOUXON (Skamania and Clark counties):**

Beginning at the Yale Dam at Yale Lake; N then E along the shore of Yale Lake to the Lewis River; NE along the Lewis River to Swift Reservoir; E along the north shore Swift Reservoir to US Forest Service Rd 90 at the Eagle Cliff bridge; E on US Forest Service Rd 90 to US Forest Service Rd 51 (Curly Creek Rd); SE on US Forest Service Rd 51 to US Forest Service Rd 30 (Wind River Rd); N on US Forest Service Rd 30 to US Forest Service Rd 24 (Twin Butte Rd); S on US Forest Service Rd 24 to US Forest Service Rd 60 (Carson Guler Rd); SW on US Forest Service Rd 60 to US Forest Service Rd 65; SW on US Forest Service Rd 65 to the Wind River Rd; NW on the Wind River Rd to Hemlock Rd at the town of Stabler; W on Hemlock Rd to US Forest Service Rd

41 (Sunset-Hemlock Rd); W on the US Forest Service Rd 41 to US Forest Service Road 42 (Green Fork Rd) at Sunset Falls; NE on US Forest Service Rd 42 to US Forest Service Rd 4205 (Gumboat Rd); N on US Forest Service Rd 4205 to US Forest Service Rd 53; NW on US Forest Service Rd 53 to US Forest Service Rd 54 (N.E. Healy Rd); W on US Forest Service Rd 54 to Canyon Creek; N down Canyon Creek to the Lewis River; NE up the Lewis River to the Yale Dam and the point of beginning.

**GMU 574-WIND RIVER (Skamania and Klickitat counties):**

Beginning at SR 141 and US Forest Rd 86, SW of the town of Trout Lake; S on US Forest Service Rd 86 to US Forest Service Rd 1840; S on US Forest Service Rd 1840 to US Forest Service Rd 18 (Oklahoma Rd); S on US Forest Service Rd 18 to Willard Rd, at the town of Willard; E on Willard Rd to the Little White Salmon River; S down the Little White Salmon River to the Columbia River; W down the Columbia River to the mouth of Rock Creek (including all islands in the Columbia River that are both north of the Washington state line and between the Little White Salmon River and Rock Creek); NW along Rock Creek through the town of Stevenson to the southern boundary of the Gifford Pinchot National Forest; W along the southern boundary of the Gifford Pinchot National Forest to US Forest Service Rd 4100-406; NW on US Forest Service Rd 4100-406 to the US Forest Service Rd 41 (Sunset-Mowich Rd) at Little Lookout Mountain; E on US Forest Service Rd 41 to Hemlock Rd; E on Hemlock Rd to Wind River Rd at the town of Stabler; SE on Wind River Rd to Old State Rd; E on Old State Rd to US Forest Service Rd 65 (Panther Creek Rd); N on US Forest Service Rd 65 to US Forest Service Road 60 (Carson-Guler); NE on US Forest Service 60 to US Forest Service Rd 24 (also called Carson-Guler); E on US Forest Service Rd 24 to SR 141; NE, E and SE on SR 141 to US Forest Service Rd 86, SW of the town of Trout Lake, and the point of beginning.

**GMU 578-WEST KLICKITAT (Klickitat, Yakima, and Skamania counties):**

Beginning at the mouth of the Little White Salmon River on the Columbia River; N up the Little White Salmon River to Willard Road bridge, E of Willard; W on Willard Rd to US Forest Service Rd 18 (Oklahoma Rd); N on US Forest Service Rd 18 to US Forest Service 1840; N on US Forest Service Rd 1840 to US Forest Service Rd 86; N on US Forest Service Road 86 to SR 141; NE on SR 141 to Mount Adams Recreation Area Road, at the town of Trout Lake; N on the Mount Adams Recreational Area Rd to US Forest Service Rd 80 (Mount Adams Recreational Area Rd); N on US Forest Service Rd 80 (Mount Adams Recreational Area Rd) to US Forest Service Rd 82 (Mount Adams Recreational Area Rd); N on US Forest Service Road 82 to Yakama Indian Reservation boundary (Section 16, T7N, R11E); S along the Yakama Indian Reservation boundary to the Reservation's SW corner at King Mountain (Section 27, T7N, R11E); E along the Yakama Indian Reservation boundary to the end of King Mountain Rd, about 1 mile; N along the Yakama Indian Reservation boundary to its corner in Section 2, T7N, R11E; E along the Yakama Indian Reservation boundary to the NE corner of Section 4, T7N, R12E; SE along the Yakama Indian

Reservation boundary to Summit Creek Rd; SW on Summit Creek Rd to Glenwood-Goldendale Hwy; NW on Glenwood-Goldendale Hwy to Lakeside Rd; S on Lakeside Rd to Fisher Hill Rd (P-2000); S on Fisher Hill Rd to the Fisher Hill bridge crossing the Klickitat River; S and SW down the Klickitat River to the Columbia River; W down the Columbia River to the mouth of the Little White Salmon River and the point of beginning (including all islands in the Columbia River which are both north of the Washington state line and between the Klickitat River and the Little White Salmon River).

**GMU 588-GRAYBACK (Klickitat County):**

Beginning at the US Hwy 97 bridge crossing the Columbia River; W down the Columbia River to the mouth of the Klickitat River at the town of Lyle (including all islands in the Columbia River which are both north of the Washington state line and between the US Hwy 97 bridge and the Klickitat River); N up the Klickitat River to the Fisher Hill Rd (P-2000) at the Fisher Hill bridge; N along Fisher Hill Rd to Lakeside Rd; S on Lakeside Rd to Glenwood-Goldendale Hwy; E and SE on Glenwood-Goldendale Hwy to Summit Creek Rd; NE on Summit Creek Rd to the Yakama Indian Reservation; E along the southern boundary of the Yakama Indian Reservation to US Hwy 97 (Satus Pass Hwy); S on US Hwy 97 to US Hwy 97 bridge crossing the Columbia River and point of beginning.

**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 04-05-115**

**PROPOSED RULES**

**DEPARTMENT OF  
FISH AND WILDLIFE**

[Filed February 18, 2004, 10:18 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 04-01-187.

Title of Rule: WAC 232-28-248 Special closures and firearm restriction areas.

Purpose: To amend WAC 232-28-248 Special closures and firearm restriction areas.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Proposed amendments clear up some minor language anomalies for game management units (GMUs) closed to hunting.

Reasons Supporting Proposal: The proposed language reduces confusion and avoids unintentional violations.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Natural Resources Building, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Assistant Director, Natural Resources Building, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule amendment clarifies that only elk are legal to be hunted by those holding a valid special permit for GMU 157. Other species are not available for hunting in this GMU.

Proposal Changes the Following Existing Rules: Proposed amendments clear up some minor language anomalies for game management units (GMUs) closed to hunting.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules regulate recreational hunters and do not directly regulate small business.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Red Lion Hotel "At the Park," 303 West North River Drive, Spokane, WA 99201, phone (509) 326-8000, on April 2-3, 2004, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Susan Yeager by March 29, 2004, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Attn: Wildlife Program April Meeting Public Comments, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by March 12, 2004.

Date of Intended Adoption: April 2, 2004.

February 18, 2004

Evan Jacoby  
Rules Coordinator

**AMENDATORY SECTION** (Amending Order 03-129, filed 6/12/03, effective 7/13/03)

**WAC 232-28-248 Special closures and firearm restriction areas.**

**RESTRICTED AND PROHIBITED HUNTING AREAS.**

These areas are closed by Fish and Wildlife Commission action. Other areas may be closed to hunting by local, state or federal regulations.

IT IS ILLEGAL TO HUNT EXCEPT WHERE PROVIDED IN THE FOLLOWING AREAS:

1. Little Pend Oreille National Wildlife Refuge: The southern part of the Little Pend Oreille National Wildlife Refuge in Stevens County is closed to hunting and discharge of firearms except during the periods of April 15-May 15 and October 1-December 31. This closure is south of a boundary beginning at the west project boundary in Section 3, Township 34 N, R 40 EWM, then easterly along Road 1.0 (Bear Creek Road) to the intersection with Road 2.0 (Blacktail Mountain Road) in Section 2, then easterly along Road 2.0 to the easterly boundary in Section 8, Township 34 N, R 42 EWM.  
The Little Pend Oreille National Wildlife Refuge north of the preceding boundary is open to all legally established hunting seasons from April 15 to May 15 and September through December.
2. Parker Lake: All lands south of Ruby Creek Road (USFS Road 2489), north of Tacoma Creek Road

(USFS Road 2389) and west of Bonneville Power Administration power lines are designated as "CLOSED AREA" to the hunting of wild animals and wild birds year round. Both the Little Pend Oreille (1) and Parker Lake (2) closures were established to provide a protected area for the Air Force Military Survival Training Program.

3. Columbia River and all the islands in the river, and the Benton County shoreline below the high water mark, and any peninsula originating on the Benton County shoreline, between Vernita Bridge (Highway 24) downstream to the old Hanford townsite powerline crossing (wooden towers) in Section 24, T 13 N, R 27 E, is designated as a "CLOSED AREA" to the hunting of wild animals and wild birds.
4. Green River (GMU 485): Except for special permit hunters, who may also take a black bear and/or cougar with the appropriate license/tag options, all lands within GMU 485 are designated as a "CLOSED AREA" to the hunting of big game by Department of Fish and Wildlife regulated hunters throughout the year. During the general westside elk season and general and late deer seasons, all lands within GMU 485 are also designated as a "CLOSED AREA" to the hunting of all wild animals (including wild birds). The City of Tacoma enforces trespass within GMU 485 on lands owned or controlled by the City during all times of the year.
5. McNeil Island: McNeil Island (part of GMU 652) is closed to the hunting of all wild animals (including wild birds) year around.
6. Loo-wit (GMU 522): Closed to hunting and trapping within GMU 522 (Loo-wit).
7. The Voice of America Dungeness Recreation Area County Park in Clallam County is closed to all hunting except Wednesdays, weekends, and holidays, from the first weekend in October to the end of January.

**BIG GAME CLOSURES**

1. Clark, Cowlitz, Pacific, and Wahkiakum counties are closed to Columbian Whitetail Deer hunting.
2. Cathlamet: Beginning in the town of Skamokawa; then east along SR 4 to the Risk Road; then south and east along the Risk Road to Foster Road; then south along the Foster Road to the Elochoman River; then upstream along the Elochoman River to the Elochoman Valley Road (old SR 407); then west along the Elochoman Valley Road to SR 4; then east along SR 4 to SR 409; then south along SR 409 to the Cathlamet Channel of the Columbia River; then east along the north shore of the Cathlamet Channel to Cape Horn; then south in the Columbia River to the state line; then west along the state line to a point directly south of the mouth of Skamokawa Creek; then north on Skamokawa Creek to SR 4 and the point of beginning. This area is closed to all deer and elk hunting, to protect the Columbian White-tail Deer.
3. Willapa National Wildlife Refuge: Except for Long Island, Willapa National Wildlife Refuge is closed to all big game hunting.
4. Walla Walla Mill Creek Watershed (GMU 157): All lands in the Mill Creek Watershed are designated as a



"CLOSED AREA" to the hunting of all wild animals (including wild birds) except for the hunting of elk by the holders of GMU-157 holders of special elk permits during the established open season. This area is closed to motorized vehicles. Entry is allowed only by Forest Service permit for the duration of the hunt. Any entry into the Mill Creek Watershed at other times is prohibited.

- 5. Westport: Closed to hunting of all big game animals on that part of Westport Peninsula lying north of State Highway 105 from the west end of the Elk River Bridge and the Schafer Island Road to the ocean beach.

**FIREARM RESTRICTION AREAS**

The firearm restriction areas listed below have been established by the Fish and Wildlife Commission. Centerfire and rimfire rifles are not legal for hunting in these areas.

In firearm restriction areas, hunters may hunt only during the season allowed by their tag. Archery tag holders may hunt during archery seasons with archery equipment. Muzzleloaders may hunt during muzzleloader seasons with muzzleloader equipment except in the GMU 652 restriction area outlined for King County. Modern firearm tag holders may hunt during modern firearm seasons with bows and arrows, muzzleloaders or revolver-type handguns meeting the equipment restrictions or legal shotguns firing slugs or buckshot.

COUNTY	AREA
Clallam	That portion of GMU 624 (Coyle) located within Clallam County.
Clark	GMU 564 (Battleground) That portion of GMU 554 in Clark County.
Cowlitz	GMU 554 (Yale) GMU 504 (Stella) That portion of GMU 564 (Battleground) in Cowlitz County.
Grays Harbor	That portion of GMU 658 (North River) beginning at Bay City; then west along Highway 105 to Twin Harbors State Park; then south along Highway 105 to Grayland Grocery; then east on Cranberry Road to Turkey Road; then east and north on Turkey Road to Bayview Logging Road; then north and east along Bayview Logging Road to Mallard Slough; then east and south along the Bayview Road to Andrews Creek; then north along main channel of Andrews Creek to Grays Harbor; then north and west along the main navigation channel to Bay City and point of beginning.

The Chehalis Valley restriction applies only during elk seasons:

COUNTY	AREA
	That portion of GMU 660 (Minot Peak) described as follows: Beginning at Highway 12 and Highway 107 junction near Montesano; east and south on Highway 12 to Oakville; south on the Oakville-Brooklyn Road to a point one mile west of South Bank Road; northwest along a line one mile southwest of the South Bank Road to Delzene Road; north along Delzene Road to South Bank Road; northwest along South Bank Road to Wakefield Road; north on Wakefield Road to the Chehalis River; west along the Chehalis River to Highway 107 bridge; north on Highway 107 to Highway 12 to the point of beginning.
Island	That portion of GMU 410 (Island) located on Camano and Whidbey islands.
Jefferson	Indian and Marrowstone islands.
King	The area west of Highway 203 (Monroe-Fall City, Fall City-Preston Road) to Interstate 90 (I-90), I-90 to Highway 18, Highway 18 to Interstate 5 (I-5), I-5 to the Pierce-King County line; Vashon and Maury islands.  The following portion of GMU 652 (Puyallup): Beginning at the intersection of State Highway 410 and the southeast Mud Mountain Dam Road near the King/Pierce County line north of Buckley; then east along the southeast Mud Mountain Road to 284th Avenue Southeast; then north along 284th Avenue Southeast to State Highway 410; then west along Highway 410 to the point of the beginning. (This restriction includes high power rifles and muzzleloaders.)
Kitsap	East of State Highway 16 originating at the Tacoma Narrows Bridge to Gorst, and east of Highway 3 to Newbury Hill Road, north of Newbury Hill Road and the Bremerton-Seabeck Highway to Big Beef Creek Bridge; all of Bainbridge Island, and Bangor Military Reservation.
Kittitas	GMU 334 (Ellensburg) Closed to high power rifles during deer and elk seasons.
Mason	GMU 633 (Mason Lake) south of Hammersley Inlet; and all of Harstene Island.

PROPOSED

COUNTY	AREA
Pacific	GMU 684 (Long Beach) west of Sand Ridge Road. The portion of GMU 658 (North River) south and west of State Highway 105 and Airport Road between Raymond and North River Bridge. GMU 681 between U.S. Highway 101, Chinook Valley Road and the Columbia River from Astoria-Megler bridge to the Wallacut River.
Pierce	GMU 652 (Anderson and Ketron islands) limited to archery, shotgun, and muzzle-loader. McNeil Island closed to hunting. See GMU 652 restriction area outlined for King County. GMU 627 (Kitsap) south of Highway 302 on the Longbranch Peninsula is a firearm restriction area.
Snohomish	West of Highway 9.
Skagit	Guemes Island and March Point north of State Highway 20.
Skamania	That portion of GMU 564 (Battle Ground) in Skamania County.
Thurston	GMU 666 (Deschutes) north of U.S. Highway 101 and Interstate 5 between Oyster Bay and the mouth of the Nisqually River.
Whatcom	Area west of I-5 and north of Bellingham city limits including Lummi Island and Point Roberts.

**WSR 04-05-116**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 [Filed February 18, 2004, 10:19 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 04-01-187.

**Title of Rule:** WAC 232-28-337 Deer and elk area descriptions.

**Purpose:** To amend WAC 232-28-337 Deer and elk area descriptions.

**Statutory Authority for Adoption:** RCW 77.12.047.

**Statute Being Implemented:** RCW 77.12.047.

**Summary:** The proposed language adjusts some existing deer and elk area boundaries to allow staff to be more effective in dealing with damage concerns. New elk areas are also proposed to address damage issues or to facilitate research projects that require manipulation of populations through hunting seasons.

**Reasons Supporting Proposal:** The proposed language makes existing area boundaries more appropriate when the

department is dealing with damage issues. Two additional deer areas will help facilitate a research project that the agency supports.

**Name of Agency Personnel Responsible for Drafting and Implementation:** Dave Brittell, Assistant Director, Natural Resources Building, Olympia, (360) 902-2504; and **Enforcement:** Bruce Bjork, Assistant Director, Natural Resources Building, Olympia, (360) 902-2932.

**Name of Proponent:** Washington Fish and Wildlife Commission, governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** The proposed language adjusts the boundaries of some deer and elk areas and also creates some new deer and elk areas. Adjustment of the boundaries will help staff deal with wildlife damage problems where they are occurring. Creation of new areas also helps with dealing with damage issues. In addition, two deer areas are proposed to help facilitate a research project being conducted by Washington State University, which the department is a cooperator.

**Proposal Changes the Following Existing Rules:** The proposed language adjusts some existing deer and elk area boundaries to allow staff to be more effective in dealing with damage concerns. New elk areas are also proposed to address damage issues or to facilitate research projects that require manipulation of populations through hunting seasons.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules regulate recreational hunters and do not directly regulate small business.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

**Hearing Location:** Red Lion Hotel "At the Park," 303 West North River Drive, Spokane, WA 99201, phone (509) 326-8000, on April 2-3, 2004, at 8:00 a.m.

**Assistance for Persons with Disabilities:** Contact Susan Yeager by March 29, 2004, TDD (360) 902-2207 or (360) 902-2267.

**Submit Written Comments to:** Washington Department of Fish and Wildlife, Attn: Wildlife Program April Meeting Public Comments, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by March 12, 2004.

**Date of Intended Adoption:** April 2, 2004.

February 18, 2004

Evan Jacoby

Rules Coordinator

**AMENDATORY SECTION** (Amending Order 03-129, filed 6/12/03, effective 7/13/03)

**WAC 232-28-337 Deer and elk area descriptions.**

**ELK AREAS**

**Elk Area No. 1010 (Columbia County):** GMU 162 excluding National Forest land and the Rainwater Wildlife Area.

**Elk Area No. 1011 (Columbia County):** That part of GMU 162 east of the North Touchet Road, excluding National Forest land.

**Elk Area No. 1012 (Columbia County):** That part of GMU 162 west of the North Touchet Road, excluding National Forest land and the Rainwater Wildlife Area.

**Elk Area No. 1013 (Asotin County):** GMU 172, excluding National Forest lands.

**Elk Area No. 2032 Malaga (Kittitas and Chelan counties):** Beginning at the mouth of Davies Canyon on the Columbia River; west along Davies Canyon to the cliffs above (north of) the North Fork Tarpiscan Creek; west and north along the cliffs to the Bonneville Power Line; southwest along the power line to the North Fork Tarpiscan Road in Section 9, Township 20N, Range 21E; north and west along North Fork Tarpiscan Road to Colockum Pass Road (Section 9, Township 20N, Range 21E); south and west on Colockum Pass Road to section line between Sections 8 & 9; north along the section line between Sections 8 and 9 as well as Sections 4 & 5 (T20N, R21E) & Sections 32 & 33 (T21N, R21E) to Moses Carr Road; west and north on Moses Carr Road to Jump Off Road; south and west on Jump Off Road to Shaller Road; north and west on Shaller Road to Upper Basin Loop Road; north and west on Upper Basin Loop Road to Wheeler Ridge Road; north on Wheeler Ridge Road to the Basin Loop Road (pavement) in Section 10 (T21N, R20E); north on Basin Loop Road to Wenatchee Heights Road; west on Wenatchee Heights Road to Squilchuck Road; south on Squilchuck Road to Beehive Road (USFS Rd 9712); northwest on Beehive Road to USFS Rd 7100 near Beehive Reservoir; north and west on USFS Rd 7100 to Peavine Canyon Road (USFS Rd 7101); north and east on Peavine Canyon Road to Number Two Canyon Road; north on Number Two Canyon Road to Crawford Street in Wenatchee; east on Crawford Street to the Columbia River; south and east along the Columbia River to Davies Canyon and point of beginning. (Naneum Green Dot, Washington Gazetteer, Wenatchee National Forest)

**Elk Area No. 2033 Peshastin (Chelan County):** Beginning at Crawford Street and the Columbia River in Wenatchee; west on Crawford Street and Number Two Canyon Road to USFS 7101 Road (Peavine Canyon); west on USFS 7101 Road to Mission Creek Road; north on Mission Creek Road to USFS 7104 Road (Sand Creek Road); west on USFS 7104 Road (Sand Creek Road) to Camas Creek; west up Camas Creek to where Camas Creek crosses USFS 7200 Road, T22N, R18E, Section 4; north along USFS 7200 Road to U.S. Highway 97; north on U.S. Highway 97 to USFS 7300 Road (Mountain Home Road); north on the USFS 7300 Road to the Wenatchee River at Leavenworth; down the Wenatchee River and Columbia River to the point of beginning.

**Elk Area No. 2051 Mission (Chelan County):** Beginning at the junction of Naneum Ridge (WDFW Rd. 9) and Ingersol (WDFW Rd. 1) Roads; north and east on Ingersol Rd. to Colockum Rd; east on Colockum Road and Colockum Creek to the Columbia River; south on the Columbia River to mouth of Tarpiscan Creek; west up Tarpiscan Creek and Tarpiscan Rd. (WDFW Rd. 14) and North Fork Rd. (WDFW Rd. 10.10); to Colockum Rd. (WDFW Rd. 10); southwest on Colockum Rd to the Naneum Ridge Rd. (WDFW Rd. 9); west on Naneum Ridge to Ingersol to the point of beginning.

**Elk Area No. 3010 Nile (Yakima County):** That part of GMUs 352 and 360 south of Upper Nile Loop Road Bridge and north of Lower Nile Loop Road Bridge (near The Woodshed Restaurant) and north and east of the Nile elk fence.

**Elk Area No. 3028 Cooke Creek (Kittitas County):** Beginning at the junction of the Naneum Ridge and Swift Creek Road in T20N, R20E, Section 16, east on the Naneum Ridge Road to the Colockum Road; south on the Colockum and Brewton roads to the power lines in T20N, R21E, Section 29; south and west on the power lines to the Coleman Creek Road; north on the Coleman Creek Road to the Swift Creek Road and point of beginning, excluding Arthur Coffin Game Reserve.

**Elk Area No. 3031 Shushuskin (Kittitas County):** Beginning at Umtanum Road and the Yakima River; west along Umtanum Road to Manastash Road; west on Manastash Road to Cove Road; south and west on Cove Road to Hanson Road and Umtanum Creek; east (downstream) along Umtanum Creek to the Yakima River; north (upstream) along the Yakima River to the point of beginning.

**Elk Area No. 3036 Riverbottom (Kittitas County):** Beginning at the junction of Umtanum Road and State Route 821; south on State Route 821 and the Yakima River to Umtanum Creek; west up Umtanum Creek to Umtanum Road; north on Umtanum Road to State Route 821 and the point of beginning.

**Elk Area No. 3368 Jump Off (Yakima County):** That part of GMU 368 east of the following boundary: Jump Off Road and the power lines to South Fork Cowiche Creek; west along South Fork Cowiche Creek to Road A 5500; east on A 5500 Road and south on A 5000 Road to North Fork Ahtanum Creek Road; south and west on North Fork Ahtanum Creek Road to A 2000; A 2000 to A 2400 Road; A 2400 Road to A 1000 Road and South Fork of Ahtanum Creek.

**Elk Area No. 3911 Fairview (Kittitas County):** Beginning at the intersection of the BPA Power Lines in T20N, R14E, Section 36 and I-90; east along the power lines through Cle Elum to the Teanaway Road; north on the Teanaway Road to Ballard Hill Road; east on Ballard Hill Rd and Swauk Prairie Road to Hwy 970; north on Hwy 970 to Hwy 97; south on Hwy 97 to the power lines in T20N, R17E, Section 34; east on the power lines to Naneum Creek; south on Naneum Creek approximately 1/2 mile to power lines in T19N, R19E, Section 20; east and south along the power lines to the Vantage Highway; east along the Vantage Highway to I-90; west along I-90 to the Yakima Training Center boundary; south and west along the Yakima Training Center boundary to I-82; north on I-82 to Thrall Road; west on Thrall Road to Wilson Creek; south on Wilson Creek to Yakima River; north on Yakima River to gas pipeline crossing in T17N, R18E, Section 25; south and west on the gas pipeline to Umtanum Creek; west on Umtanum Creek to the Durr Road; north on the Durr Road to Umptaneum Road; north on Umptaneum Road to South Branch Canal; west on South Branch Canal to Bradshaw Road; west on Bradshaw Road to the elk fence; north and west along the elk fence to power line crossing in T19N, R16E, Section 10; west along the power line (south

branch) to the Cabin Creek Road; east and north on Cabin Creek Road to Easton and I-90; east on I-90 to point of beginning.

**Elk Area No. 3912 Old Naches (Yakima County):** Starting at the elk fence and Roza Canal along the south boundary T14N, R19E, Section 8; following the elk fence to the sheep feeding site in T15N, R16E, Section 30; south on the feeding site Access Road to the Old Naches Highway; west and south on the Old Naches Highway to State Route 12 and the Naches River; down the Naches River to the Tieton River; up the Tieton River approximately 2 miles to the elk fence in T14N, R16E, Section 3; due south from the start of the elk fence to the top of the cliff; southwest along the cliff/rimrock to the irrigation canal in T14N, R16E, Section 9; southwest along the irrigation canal to the elk fence in T14N, R16E, Section 8; the elk fence to the power lines in T13N, R16E, Section 34; south along the power lines approximately 3/4 of a mile to the irrigation ditch; west along the irrigation ditch to the township line between T12N, R15E and T12N, R16E; south along the township line to the South Fork Ahtanum Creek; South Fork Ahtanum Creek to Ahtanum Creek to Yakima River; up the Yakima River to Roza Canal and point of beginning.

**Elk Area No. 3944 Clemen (Yakima County):** That portion of GMU 342 beginning at the junction of Highway 410 and USFS Road 1701 (Big Bald Mountain Road); north to USFS Road 1712; east on USFS Road 1712 (Clemen Ridge Road) to the elk fence gate (T15N; R17E; Section 23 NE 1/4) at the top of Austin Spur Road; south and west along the elk fence to Highway 410 to the point of beginning.

**Elk Area No. 4041 Grandy Creek (Skagit County):** Begin at the intersection of CP 190 Road and CP 132 Road (Section 28, T36N, R5E); east along the CP 132 Road to the CP 130 Road; east and south along CP 130 Road to CP 110 Road, west, south and east along CP 110 Road to Childs Creek; south down Childs Creek to State Route 20; east on State Route 20 to Grandy Creek; south down Grandy Creek to the Skagit River; south on a line to South Skagit Hwy; west on South Skagit Hwy to State Route 9; north on State Route 9 to State Route 20; east on State Route 20 to Helmick Road; north on Helmick Road to CP 190 Road to CP 132 Road and the point of beginning. (WA Atlas & Gazetteer & Mt. Baker-Snoqualmie National Forest Map)

**Elk Area No. 4941 Skagit River (Skagit County):** Beginning at the intersection of State Route 9 and State Route 20; east on State Route 20 to Grandy Creek; south down Grandy Creek to the Skagit River; south on a line to South Skagit Highway; west on South Skagit Highway to State Route 9; north on State Route 9 to point of beginning.

**Elk Area No. 5029 Toledo (Lewis and Cowlitz counties):** Beginning at the Cowlitz River and State Highway 505 junction; ~~((east along State Highway 505 to Eden Road; east along Eden Road to the Evans Road; east along the Evans Road))~~ east along the Cowlitz River to the Weyerhaeuser 1800 Road; south along Weyerhaeuser 1800 Road to Cedar Creek Road; east along Cedar Creek Road to Due Road; south on Due Road to Weyerhaeuser 1823 Road; south along Weyerhaeuser 1823 Road to the Weyerhaeuser 1945 Road;

south along the Weyerhaeuser 1945 Road to the Weyerhaeuser 1900 Road; south along the Weyerhaeuser 1900 Road to the ~~((Weyerhaeuser 1890 Road; south along the Weyerhaeuser 1890 Road to State Highway 504; west along State Highway 504 to Tower Road; north along Tower Road to the Weyerhaeuser 1522 Road; north along the Weyerhaeuser 1522 road to Salmon Creek; west along Salmon Creek))~~ North Fork Toutle River; west along the North Fork Toutle River to the Toutle River; west on the Toutle River to the Cowlitz River; North along the Cowlitz River to the junction of State Highway 505 and the point of beginning.

**Elk Area No. 5050 Curtis (Lewis County):** Beginning at the Boistfort Road, State Highway 6 intersection; west to the Mauerman Road; west and southwest on the Mauerman Road to the Pe Ell/McDonald Road; south and east on the Pe Ell/McDonald Road to the Lost Valley Road; south and southeast on the Lost Valley Road to the Boistfort Road; east and north along the Boistfort Road to State Highway 6 and point of beginning.

**Elk Area No. 5051 Green Mountain (Cowlitz County):** ~~((Beginning at the junction of Tower Road and State Highway 504; north along Tower Road to the Toutle River; north along the Toutle River to the North Fork of the Toutle River; east along the North Fork of the Toutle River to Alder Creek to the Weyerhaeuser 2400 Road; south along the Weyerhaeuser 2400 Road to the Weyerhaeuser 4400 Road to Johnson Creek and the South Fork of the Toutle River to the South Toutle River Road; west along the South Toutle River Road to State Highway 504; west along State Highway 504 to the junction of Tower Road and the point of beginning.))~~ Beginning at the junction of the Cowlitz River and the Toutle River; east along the Toutle River to the North Fork Toutle River; east along the North Fork Toutle River to the Weyerhaeuser 1900 Road; south along the Weyerhaeuser 1900 Road to the Weyerhaeuser 1910 Road; south along the Weyerhaeuser 1910 Road to the Weyerhaeuser 2410 Road; south along the Weyerhaeuser 2410 Road to the Weyerhaeuser 4553 Road; south along the Weyerhaeuser 4553 Road to the Weyerhaeuser 4500 Road; south along the Weyerhaeuser 4500 Road to the Weyerhaeuser 4400 Road; south along the Weyerhaeuser 4400 Road to the Weyerhaeuser 4100 Road; east along the Weyerhaeuser 4100 Road to the Weyerhaeuser 4700 Road; south along the Weyerhaeuser 4700 Road to the Weyerhaeuser 4720 Road; west along the Weyerhaeuser 4720 Road to the Weyerhaeuser 4730 Road; west along the Weyerhaeuser 4730 Road to the Weyerhaeuser 4732 Road; west along the Weyerhaeuser 4732 Road to the Weyerhaeuser 4790 Road; west along the Weyerhaeuser 4790 Road to the Weyerhaeuser 1390 Road; south along the Weyerhaeuser 1390 Road to the Weyerhaeuser 1600 Road; west along the Weyerhaeuser 1600 Road to the Weyerhaeuser Logging Railroad Tracks at Headquarters; west along the Weyerhaeuser Logging Railroad Track to Ostrander Creek; west along Ostrander Creek to the Cowlitz River; north along the Cowlitz River to the Toutle River and point of beginning.

**Elk Area No. 5052 Mossyrock (Lewis County):** Beginning at the intersection of Winston Creek Road and State Highway 12; east on State Highway 12 to the Cowlitz River; east on the Cowlitz River to Riffe Lake; southeast along the south shore

of Riffe Lake to Swofford Pond outlet creek; south on Swofford Pond outlet creek to Green Mountain Road; west on Green Mountain Road to Perkins Road; west on Perkins Road to Longbell Road; south on Longbell Road to Winston Creek Road; north on Winston Creek Road to State Highway 12 and the point of beginning. (All lands owned and managed by the Cowlitz Wildlife Area are excluded from this Elk Area.)

**Elk Area No. 5053 Randle (Lewis County):** Beginning at the town of Randle and the intersection of U.S. Highway 12 and State Route 131 (Forest Service 23 and 25 roads); south on State Route 131 to Forest Service 25 Road; south on Forest Service 25 Road to the Cispus River; west along the Cispus River to the Champion 300 line bridge; south and west on the Champion 300 line to the Champion Haul Road; north along the Champion Haul Road to Kosmos Road; north on Kosmos Road to U.S. Highway 12; east on U.S. Highway 12 to Randle and point of beginning. (All lands owned and managed by the Cowlitz Wildlife Area are excluded from this Elk Area.)

**Elk Area No. 5054 Boistfort (Lewis County):** Beginning at the town of Vader; west along State Highway 506 to the Wildwood Road; north along the Wildwood Road to the Abernathy 500 line gate (Section 20, T11N, R3W, Willamette Meridian); northwest along the 500, 540, and 560 lines to the Weyerhaeuser 813 line; northwest along the 813, 812, 5000J, 5000 and 4000 lines to the Pe Ell/McDonald Road (Section 15, T12N, R4W); west along the Pe Ell/McDonald Road to the Lost Valley Road; northeast along the Lost Valley Road to the Boistfort Road; north along the Boistfort Road to the King Road; east along the King Road to the town of Winlock and State Highway 603; south along Highway 505 to ~~((the Winlock/Vader Road; south along said road))~~ Interstate 5; south along Interstate 5 to State Hwy 506; west along State Highway 506 to the town of Vader and the point of beginning.

**Elk Area No. 5055 East Valley (Wahkiakum County):** Within one mile on either side of the line beginning at Wilson Creek Park on East Valley Road; west on East Valley Road to the junction with Middle Valley Road (4.5 miles); north along Middle Valley Road to the junction of Oat Field Road (2.5 miles).

**Elk Area No. 5056 Grays River Valley (Wahkiakum County):** On or within 1/4 mile of agricultural land in the Grays River Valley within the following sections: T10N, R7W, Sections 8, 9, 17, 18 and T10N, R8W, Sections 13, 23, 24, 26.

**Elk Area No. 5057 Carlton (Lewis County):** That part of 513 (South Rainier) lying east of Highway 123 and north of Highway 12.

**Elk Area No. 5058 West Goat Rocks (Lewis County):** Goat Rocks Wilderness west of the Pacific Crest Trail.

**Elk Area No. 5059 Mt. Adams Wilderness (Skamania and Yakima counties):** The Mt. Adams Wilderness.

**Elk Area No. 5060 Merwin (Cowlitz County):** Begin at the State Route 503 and the Longview Fibre Road WS-8000

junction; north and west on the Longview Fibre Road WS-8000 to Day Place Road; west on Day Place Road to Dubois Road; south on Dubois Road to State Route 503; east on State Route 503 to the State Route 503 and the Longview Fibre Road WS-8000 junction and point of beginning.

**Elk Area No. 5099 Mudflow (Cowlitz County):** That part of GMU 522 (Loo-wit) that is within the boundary of the St. Helens Wildlife area.

**Elk Area No. 6010 Mallis (Pacific County):** That part of GMUs 506, 672, and 673 within one mile either side of State Road 6 between the east end of Elk Prairie Road and the Mallis Landing Road.

**Elk Area No. 6011 Centralia Mine (Lewis County):** That portion of GMU 667 within Centralia Mine property boundary.

**Elk Area No. 6054 Puyallup River (Pierce County):** That part of GMU 654 south of the Puyallup River.

**Elk Area No. 6061 Twin Satsop Farms (Mason County):** That portion of GMU 651 starting at the junction of the Deckerville Road and the Brady-Matlock Road; southwest to the junction with the West Boundary Road; north on West Boundary Road to the Deckerville Road; east on the Deckerville Road to the junction of Brady-Matlock Road and point of beginning. In addition, the area within a circle with a radius of two miles centered on the junction of State Route 108 and the Eich Road.

**Elk Area No. 6062 South Bank (Grays Harbor County):** That portion of GMU 660 (Minot Peak) described as follows: Beginning at Highway 12 and Wakefield Road Junction (South Elma); south on Wakefield Road, across the Chehalis River to the South Bank Road; southeast on the South Bank Road to Delezene Road; south on the Delezene Road to a point one mile from the South Bank Road; southeast along a line one mile southwest of the South Bank Road to the Oakville-Brooklyn Road; east on the Oakville-Brooklyn Road to Oakville and Highway 12; northwest on Highway 12 to Wakefield Road to Elma and the point of beginning.

**Elk Area No. 6063 (Grays Harbor and Jefferson counties):** Private lands within Elk Area 6064 east of Highway 101.

**Elk Area No. 6064 Quinault Valley (Grays Harbor and Jefferson counties):** That portion of GMU 638 (Quinault) within the Quinault River watershed.

**Elk Area No. 6066 Chehalis Valley (Grays Harbor County):** That portion of GMU 660 (Minot Peak) beginning at Highway 12 and Highway 107 junction near Montesano; east and south on Highway 12 to Oakville; south on Oakville-Brooklyn Road to a point one mile west of South Bank Road; northwest along a line one mile southwest of South Bank Road to Delezene Road; north along Delezene Road to South Bank Road; northwest along South Bank Road to Wakefield Road; north on Wakefield Road to Chehalis River; west on Chehalis River to Highway 107 bridge; north on Highway 107 to Highway 12 and the point of beginning.

**Elk Area No. 6067 North Minot (Grays Harbor County):**

The portion of GMU 660 (Minot Peak) beginning at the junction on State Route 107 and the Melbourne A-line, on the Melbourne A-line to the Vesta F-line; south on Vesta F-line to Vesta H-line (Vesta Creek Road); south on Vesta Creek Road to the North River Road; south and east on North River Road to the Brooklyn Road; east on Brooklyn Road to the Garrard Creek Road; east and north on Garrard Creek Road to the South Bank Road; east on South Bank to South State Street (Oakville); north on South State Street to U.S. 12; northwest and west on U.S. 12 to State Route 107; south and southwest on SR 107 to the Melbourne A-line and the point of beginning.

**Elk Area No. 6068 Willapa (Grays Harbor County):**

That part of GMU 658 south of SR 105 between the intersection of SR 105 and Hammond Road and the SR 105 bridge over Smith Creek; and within one mile north of SR 105 west from Hammond Road and east of the SR 105 bridge over Smith Creek.

**Elk Area No. 6069 Hanaford (Lewis and Thurston counties):**

Beginning at the intersection of Salzer Valley Road and Centralia-Alpha Road; east and north on Salzer Valley Road to west on Little Hanaford Road to north on Teitzel Road to west on Big Hanaford Road to north on Highway 507 to east on Skookumchuck Road to the first bridge over Skookumchuck River; east along the Skookumchuck River to ~~((the power line crossing immediately upstream of the confluence with Johnson Creek))~~ Skookumchuck Road bridge; east on Skookumchuck Road to steel tower Bonneville powerline; southwest along the power line to east and south on the Big Hanaford Road to Weyerhaeuser Road E160 to Weyerhaeuser Road E240 to south on North Fork Road to west on Alpha-Centralia Road to the point of origin.

**Elk Area No. 6071 Dungeness (Clallam County):**

That part of GMU 621 north and west of Jimmy Come Lately Creek and the Gray Wolf River and that part of GMU 624 west of Jimmy Come Lately Creek and east of the Dungeness River.

**DEER AREAS**

**Deer Area No. 1010 (Columbia County):** GMU 162 excluding National Forest land and the Rainwater Wildlife Area.

**Deer Area No. 1020 Prescott (Columbia and Garfield counties):** That portion of GMU 149 between Hwy 261 and Hwy 127.

**Deer Area No. 1030 Flat Creek (Stevens County):** That portion of GMU 105, beginning at junction of Northport – Flat Creek Rd (Co. 4005) and Bull Hill Rd; N on Bull Hill Rd to USFS Rd 240; N on 240 Rd to Belshazzar Mtn Rd USFS 230; E & N on 230 to East Boundary of Colville National Forest at Section 24; N on Forest Boundary to Sheep Creek Rd (USFS 15, Co. 4220); W on Sheep Creek Rd to Kiel Springs and USFS Rd 170; S on 170 to Lael - Flat Creek Rd (USFS 1520); S on Lael - Flat Creek Rd (USFS 1520, Co. 4181) to Northport – Flat Creek Co. Rd; N on Northport –

Flat Creek Rd to Bull Hill Rd junction and point of beginning.

**Deer Area No. 1040 Summit Lake (Stevens County):** That portion of GMU 105, beginning at Rock Cut Bridge on the Kettle River; N and E on Sand Cr Rd (Co. 4017) to Lael – Flat Cr Rd (Co. 4181, USFS Churchill Mine Rd, 1520); E on Lael – Flat Cr Rd (Churchill Mine Rd) to USFS Rd 15 junction (near Fisher Cr); N & E on USFS 15 to USFS Rd 180; N & W on USFS 180 and continue W on Box Canyon – Deep Creek Rd (USFS 030, Co. 4212) to the bridge on the Kettle River; S on the Kettle River to Rock Cut Bridge and point of beginning.

**Deer Area No. 2010 Benge (Adams County):** That part of GMU 284 beginning at the town of Benge, west on Benge-Washtucna Road to Cow Creek; north along Cow Creek to McCall Road; east on McCall Road to Gering Road; east on Gering Road to Lakin Road; east on Lakin Road to Revere Road; south on Revere Road to Rock Creek; south along Rock Creek to the Palouse River; south and west along the Palouse River to SR 26; west on SR 26 to Beckley Road; north on Beckley Road to Negro Road; north on Negro Road to Beckley Road; north on Beckley Road to Benge-Winona Road; west on Benge-Winona Road to Benge and the point of beginning.

**Deer Area No. 2011 Lakeview (Grant County):** That part of GMU 272 beginning at the junction of SR 28 and First Avenue in Ephrata; west on First Avenue to Sagebrush Flats Road; west on Sagebrush Flats Road to Davis Canyon Road; north on Davis Canyon Road to E Road NW; north on E Road NW to the Grant-Douglas county line; east along the county line to the point where the county line turns north; from this point continue due east to SR 17; south on SR 17 to SR 28 at Soap Lake; south on SR 28 to the junction with First Avenue in Ephrata and the point of beginning.

~~((Deer Area No. 2925 Ritzville (Adams County): Beginning at the junction of I-90 and SR 261 near the town of Ritzville; south along SR 261 to SR 26; east on SR 26 to the Whitman County line; north along the Adams, Whitman County line to where it intersects the Lincoln, Adams County line; north along the Adams, Lincoln County line to I-90; west along I-90 to point of beginning.))~~

**Deer Area No. 3071 Whitcomb (Benton County):** That part of GMU 372 made up by the Whitcomb Unit of the Umatilla National Wildlife Refuge.

**Deer Area No. 3072 Paterson (Benton County):** That part of GMU 372 made up by the Paterson Unit of the Umatilla National Wildlife Refuge.

**Deer Area No. 3081 (Franklin County):** That part of GMU 381 that is west of Highways 395 and 17.

**Deer Area No. 4926 Guemes (Skagit County):** That part of GMU 407 (North Sound) on Guemes Island.

**Deer Area No. 5051 Fisher Island (Cowlitz County):** The islands in the Columbia River known as Fisher Island and Hump Island in Game Management Unit 504.

**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 04-05-118**  
**PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**

[Filed February 18, 2004, 10:21 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 04-01-184.

**Title of Rule:** The department is proposing to amend the following sections: WAC 16-301-365 Bean seed quarantine—Establishing quarantine, 16-301-375 Regulated articles, 16-301-380 Regulated diseases, 16-301-395 General requirements for planting bean seed in the regulated area, 16-301-410 Additional requirements for planting bean seed in quarantine Area I, 16-301-415 Additional requirements for planting bean seed in quarantine Area II, 16-301-420 Quarantine—Exceptions and exemptions, 16-301-430 Identification and disposition of diseased bean seed and infected bean fields, 16-301-435 Notice of destruction and 16-301-440 Penalties; and repealing WAC 16-301-450 Bean seed-borne viral disease quarantine—Establishing the quarantine, 16-301-455 Bean seed-borne viral disease quarantine—Regulated articles, 16-301-460 Bean seed-borne viral disease quarantine—Regulated disease, 16-301-465 Bean seed-borne viral disease quarantine—Quarantine area, 16-301-470 Bean seed-borne viral disease quarantine—Regulated area, 16-301-475 Bean seed-borne viral disease quarantine—Requirements for planting bean seed in the regulated area, 16-301-480 Bean seed-borne viral disease quarantine—Identification and disposition of diseased bean seed, and 16-301-485 Bean seed-borne viral disease quarantine—Penalties.

**Purpose:** This proposal is intended to simplify the bean seed quarantine requirements for Washington state by creating one quarantine rule, simplifying compliance and reporting requirements, and adding clarifying language that clearly defines the diseases that are regulated by the quarantine.

**Statutory Authority for Adoption:** RCW 15.49.310, 17.24.041, 17.24.011 and chapter 34.05 RCW.

**Statute Being Implemented:** RCW 17.24.041.

**Summary:** In response to an industry request, WSDA proposes amending WAC 16-301-365 through 16-301-440 and proposes repealing WAC 16-301-450 through 16-301-485 to create one bean quarantine rule that will simplify the compliance and reporting requirements of the quarantine while adding clarifying language concerning the diseases regulated by the quarantine.

**Reasons Supporting Proposal:** The proposed amendments will make quarantine requirements easier to understand and will make quarantine reporting requirements easier and more convenient for Washington bean seed producers, which will increase voluntary compliance with the bean seed quarantine.

**Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement:** Victor Shaul, Operations Manager, Yakima, (509) 225-2630.

**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:** See Title of Rule above.

Amending and repealing the rule sections listed above will allow the department to

- Combine the two existing bean seed quarantines into one rule;
- Simplify compliance and reporting requirements;
- Add language that clarifies the diseases regulated under the quarantine;
- Improve industry's understanding of Washington's bean seed quarantine rules; and
- Promote voluntary compliance within the regulated community.

**Proposal Changes the Following Existing Rules:** See Title of Rule above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. WSDA has concluded that its proposed amendments to its bean seed quarantine rules do not impose any new costs on business; in fact they may reduce industry's record-keeping, reporting, and compliance costs. Therefore, a formal small business economic impact statement as discussed in chapter 19.85 RCW is not required.

RCW 34.05.328 does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency in RCW 34.05.328 (5)(a)(i).

**Hearing Location:** Washington State Department of Agriculture, 21 North First Avenue, Suite 103 Conference Room, Yakima, WA 98902, on March 23, 2004, at 11:00 a.m.

**Assistance for Persons with Disabilities:** Contact Virginia Walsh by March 16, 2004, TDD (360) 902-1996 or (360) 902-1976.

**Submit Written Comments to:** George Huffman, Rules Coordinator, P.O. Box 42560, Olympia, WA 98504-2560, fax (360) 902-2085 by 5:00 p.m. March 23, 2004.

**Date of Intended Adoption:** March 31, 2004.

February 18, 2004

Robert W. Gore

Assistant Director

**AMENDATORY SECTION** (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

**WAC 16-301-365 Bean seed quarantine—Establishing quarantine.** The production of edible beans and bean seed is an important industry in the state of Washington. The economic well-being of that industry is threatened by the introduction of bean seed contaminated with ~~((viral))~~ bean, bacterial ~~((and))~~, fungal ~~((diseases not established in the commercial production areas in Washington))~~ and seed-borne viral pathogens. The director has determined that a quarantine ~~((will be effective in preventing the introduction of these viral, bacterial and fungal diseases of beans, and that control of these diseases of beans will))~~ is needed to protect the Washington dry bean industry and to provide the bean grow-

PROPOSED

ers of ~~((the))~~ this state ~~((of Washington with))~~ a source of bean seed ~~((beans))~~ for planting purposes ~~((which are))~~ that is tested for the presence of these diseases.

**AMENDATORY SECTION** (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

**WAC 16-301-375 Regulated articles.** Seeds of common beans ~~((and adzuki beans))~~, *Phaseolus sp.*, intended for planting purposes, bean plants and parts of plants, and crop residue from the harvest of infected beans are regulated under the provisions of this chapter.

**AMENDATORY SECTION** (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

**WAC 16-301-380 Regulated diseases.** The following viral, bacterial and fungal diseases of beans, and any new strains or variations of these identified in the future, of beans are regulated under the provisions of this chapter:

Halo blight (*Pseudomonas syringae pv. phaseolicola* (Young et. al.))

Common bean blight (*Xanthomonas campestris pv. phaseoli* (Smith) Dye)

Fuscous blight (*Xanthomonas phaseoli var. fuscans* (Burk.))

Bean anthracnose disease (*Colletotrichum lindemuthianum* (Sacc. & Magn.) Scrib.)

Brown spot disease (*Pseudomonas syringae pv. syringae* (Van Hall)) strains virulently pathogenic to *Phaseolus*

Bean bacterial wilt (*Corynebacterium flaccumfaciens ssp. flaccumfaciens* (Hedges) Dows.)

Seed-borne viral diseases of beans, such as, but not limited to, bean common mosaic virus and its strains are regulated under the terms of this quarantine.

**AMENDATORY SECTION** (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

**WAC 16-301-395 General requirements for planting bean seed in the regulated area.** (1) No beans may be planted, sold, shipped, ~~((or))~~ transported for seed purposes, or knowingly received in the regulated area which are found to be or are known to be contaminated with any disease listed in WAC 16-301-380 and must also comply with the requirements as listed in WAC 16-301-396.

(2) The department shall be notified in writing, prior to shipping, of any person's intent to ship, move, or transport any bean seed into the regulated area. ~~((A copy of the official certificate issued for that bean seed must accompany this notice of intent.))~~ All bean seed to be planted in the regulated area must have a Notice of Intent/Quarantine Compliance form filed with the WSDA seed program. A copy of the field inspection report or other proof of freedom from specified diseases based on one field inspection and one windrow inspection or negative results from an approved laboratory test must accompany this form. In addition, a copy of the laboratory analysis (ELISA) showing freedom from regulated viral diseases issued for that bean seed must accompany this Notice of Intent/Quarantine Compliance form. Proof of I-

gene resistance may be provided in lieu of laboratory analysis (ELISA).

#### NEW SECTION

**WAC 16-301-396 Additional requirements for planting bean seed in the regulated area relating to seed-borne viral diseases.** Bean seed may be received for planting purposes, planted, sold, shipped, or transported if that seed meets one of the following criteria:

(1) The bean variety (cultivar) is known to be uniform for the dominant I-gene. Documentation of evidence of uniformity must accompany the seed shipment. Undocumented cultivars are subject to serology and/or grow out testing to determine freedom from bean seed-borne viral diseases.

(2) The bean seed has been tested by the serology method (ELISA) and is found to be free from bean seed-borne viral diseases.

(3) The bean seed is tested by the serology method and is found to be positive for seed-borne viral diseases and on a subsequent grow out test, the sample is found free from bean seed-borne viral diseases.

(4) All serology tests are based on an official five-pound sample of untreated bean seed for each fifty thousand pounds of bean seed or fraction thereof.

**AMENDATORY SECTION** (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

**WAC 16-301-410 Additional requirements for planting bean seed ~~((grown))~~ originating in quarantine Area I; areas west of the continental divide.** (1) Bean seed from quarantine Area I must not be shipped, transported, or moved into the regulated area for planting unless the beans are accompanied by an ~~((origin))~~ official certificate showing that the beans are apparently free from the regulated diseases. Such certification shall be on the basis of at least one growing season field inspection and one windrow inspection ~~((or))~~ and an approved laboratory/greenhouse test, which may include ELISA or other diagnostic screening for bacterial or fungal diseases.

(2) Bean seed planted for seed increase or with intention of seed increase must be planted in fields entered into either the Washington state bean seed phyto-sanitary certificate inspection program or the Washington state seed certification inspection program as provided in WAC 16-302-045 and 16-301-235.

**AMENDATORY SECTION** (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

**WAC 16-301-415 Additional requirements for planting bean seed ~~((grown))~~ originating in quarantine Area II; areas east of the continental divide and foreign countries.** (1) Bean seed must first be planted into an approved trial ground that meets the requirements of the department.

(2) Bean seed, up to a maximum of one pound per variety, may be planted in an approved trial ground intended for research purposes, with notification to the department, ~~((plant certification))~~ seed program, of intent to plant and adherence to the inspection procedures in WAC 16-301-425 and such



isolation and other requirements as the director may prescribe.

(3) Bean seed over one pound, intended for introduction or seed increase, must first be planted in an approved trial ground not to exceed fifteen acres for each variety. The trial ground must be isolated from other beans by 1/4 mile. In addition, prior to planting, this bean seed must pass a laboratory/greenhouse test as recommended by the university; notification must be given to the department, (~~plant certification~~) seed program, of intent to plant; and inspection procedures in WAC 16-301-425 must be complied with for trial grounds.

**AMENDATORY SECTION** (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

**WAC 16-301-420 Quarantine—Exceptions and exemptions.** (1) Bean seed planted for harvest as green beans for cannery or freezing, otherwise in compliance with this quarantine, is not required to be entered into an inspection program except that the department reserves the right to request complete listing and location of all the plantings and other information the department may deem necessary. Further, if at any time prior to harvest, the grower decides that the plantings are not to be harvested as green beans, the department must be notified and the plantings placed under an inspection program. In order for the plantings to be accepted into the inspection program, the plantings must be at a state of maturity that allows for the proper identification of regulated diseases.

(2) This quarantine does not apply to the shipment, movement, or transportation of beans prepackaged in packages of eight ounces or less for home garden use in the regulated area if the beans are free of diseases.

**AMENDATORY SECTION** (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

**WAC 16-301-430 Identification and disposition of diseased bean seed and infected bean fields.** (1) Any bean field planted with seed in violation of the requirements of this quarantine is subject to destruction, in full or in part, or quarantined, as determined necessary by the director, to prevent the spread of regulated diseases. Any expenses of such actions will be solely that of the grower or their responsible agents.

(a) Fields that are placed under a quarantine order must be entered into the Washington state bean seed phyto-sanitary inspection program as provided in WAC 16-301-235 with all costs of inspection to be borne by the grower or the grower's agent.

(b) Fields that are placed under a quarantine order may be subject to additional requirements for inspection, control or isolation, as deemed necessary by the director, to prevent the spread of regulated diseases.

(2) Any bean field determined to be infected with a regulated disease must be reported within seventy-two hours after discovery to the department, (~~plant certification~~) seed program.

(3) The department encourages the aid of all interested parties, including growers and seed company representatives,

in the prompt reporting of suspected infected bean fields in order that timely investigation may be made.

(4) Any bean fields within the boundaries of the regulated area which show contamination by a regulated disease, as provided in subsection (5) of this section, must be destroyed in part or in total as may be required to eliminate the disease, by or at the expense of the grower or their responsible agents. The director may authorize any other method of control at the director's discretion. The director must notify the grower, seed company representatives and/or the grower's landlord of the method and extent of the destruction and safeguards against disease spread in order for the parties to comply.

(5) The identity of a regulated disease on growing plants or plants in windrow is based on the observance of the visual symptoms of the disease. If the department deems it necessary to establish true identity or pathogenically, a laboratory and/or greenhouse test may be conducted by the department in cooperation with the university. Testing is subject to provisions provided in WAC 16-301-396 (3) and (4), the results of which will be used to determine final disposition.

(a) In cases of disagreement concerning the presence of a regulated disease between the department plant pathologist and a qualified plant pathologist representing the commercial company or grower, the definitive verification of identity or pathogenically must be determined by isolation of the suspected pathogen and inoculation of seedlings of a known susceptible host using accepted scientific and professional techniques.

(b) Until verification of the suspected pathogen as specified in this section is completed, the involved planting must be placed under quarantine for a period of thirty days subject to conditions and review or extension as determined by the director. Entry into the quarantined area is to be restricted to the grower or grower's agents, department employees, and/or persons authorized in writing by the director. Persons granted entry into the quarantined area will be required to take all necessary sanitary precautions as prescribed by the director to safeguard against the possible spread of the suspected regulated disease.

(6) The true identity of the regulated disease when found in or on seed is based on testing methods recommended by the university results of which, when positive, is evidence to identify the disease as being subject to the department's requirements. The owner of the seed, at owner's expense, may request verification of pathogenicity. Such verification must be made using accepted scientific and professional techniques.

(7) When the director determines that it is probable, based on visual symptoms and serological analysis, that a seed field may be infected with bean seed-borne viral diseases and determines that a threat of infection of other fields exists, the director may prescribe aphid control or other requirements, through a notice of destruction as provided in WAC 16-301-435, deemed necessary to prevent infection of adjacent properties.

(8) All bean seed that is determined to be contaminated by bean seed-borne viral diseases and which does not meet the requirements of WAC 16-301-395(2) must be destroyed or diverted to dry edible or other nonseed purposes. For seed

that is diverted to dry edible or other nonseed purposes, documentation of disposition of the seed must be provided to the department of agriculture upon request.

**(9) Exemptions and special situations:**

(a) Any field of beans first found infected during wind-row inspection, is exempt from total destruction if the diseased portion and an area (not less than a fifty-foot radius) surrounding the infected site is promptly destroyed or harvested with the beans from the infected area directed, under department supervision, to processing. Seed from the remainder of the field must be tested by a serology test. Only seed apparently free from regulated diseases may be used for seed purposes in the regulated area.

(b) Any field of beans to be used only for dry edible purposes is exempt from destruction if the diseased portion of the field is destroyed and the entire crop residue is promptly and completely destroyed after harvest.

(c) Beans for processing or fresh consumption are exempt from destruction if the diseased portion of the field is destroyed or harvested within ten days after first detection and/or verification as provided in subsection (4) of this section and the crop residue is promptly and completely destroyed after harvest.

**AMENDATORY SECTION** (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

**WAC 16-301-435 Notice of destruction.** When the director finds personal property planted in violation of the terms of this quarantine or infected as described in WAC 16-301-430, the director may issue a written notice of quarantine or destruction to the owners and occupants thereof. The notice must identify the property under quarantine, order the destruction of infested plants or prescribe the terms of entry, inspection, partial destruction and/or treatment of regulated articles. Any expenses of such actions will be solely that of the grower or their responsible agents.

**AMENDATORY SECTION** (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

**WAC 16-301-440 Penalties.** (1) Any bean field planted with seed in violation of the requirements of this quarantine is subject to destruction, in full or in part, or quarantined, as determined necessary by the director, to prevent the spread or establishment of bean diseases.

(2) In addition to actions specified in WAC 16-301-430, any grower violating the terms of this ((chapter)) quarantine, is subject to civil and/or criminal penalties provided in chapters 15.49 and/or 17.24 RCW.

**WSR 04-05-119**

**PROPOSED RULES**

**DEPARTMENT OF AGRICULTURE**

[Filed February 18, 2004, 10:22 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-12-093.

Title of Rule: Chapter 16-170 WAC, Special temporary permits for slaughtering pastured chickens.

Purpose: The department, working with industry representatives and other interested parties, is proposing rules (chapter 16-170 WAC) to implement chapter 397, Laws of 2003 (ESHB 1754). ESHB 1754 required that the department adopt, by rule, requirements for a special, temporary permit regulating the slaughter, preparation and sale of pastured chickens by agricultural producers directly to the ultimate consumer at the producer's farm. ESHB 1754 limits the slaughter, preparation and sale by the producer to one thousand or fewer birds in a calendar year.

Statutory Authority for Adoption: Chapters 69.07 and 34.05 RCW.

Statute Being Implemented: Chapter 69.07 RCW.

Summary: See Explanation of Rule below.

Reasons Supporting Proposal: The proposed chapter 16-170 WAC deserves support for the following reasons: (1) It is necessary to implement ESHB 1754; (2) its content complies with the legislative guidelines listed in ESHB 1754; and (3) its content was developed with the help of a core group of stakeholders familiar with the industry.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jim Pressley, 1111 Washington Street, Olympia, WA, (360) 902-1860.

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: Chapter 16-170 WAC is necessary to implement chapter 397, Laws of 2003 (ESHB 1754), which was passed unanimously by the legislature and signed by the governor. Chapter 397, Laws of 2003 directed the department to adopt rules establishing the requirements for a special temporary permit to be issued by the department to "agricultural producers" who wanted to slaughter, prepare and sell one thousand or fewer pastured chickens in a calendar year to the ultimate consumer at the producer's farm. Chapter 397, Laws of 2003 stated that any rules developed by the department must be generally patterned after those established by WAC 246-215-190 Temporary food service establishments, but must be tailored specifically to the slaughter, preparation and sale activities identified in ESHB 1754. The requirements must include, but are not limited to:

- Cooling procedures, when applicable;
- Sanitary facilities, equipment and utensils;
- Clean water;
- Washing and other hygienic practices;
- Waste water disposal; and
- The length of time the permit is valid.

Finally, ESHB 1754 directed the department, when developing rules, to "carefully consider the economic constraints on the regulated activity."

The department, with the assistance of farmers who will be regulated by the proposed rules, has developed a set of rules that comply with all of the legislative requirements listed in ESHB 1754. In addition, the proposed rule requirements are written from a "performance based" perspective that allows compliance flexibility. Finally, the proposed

rules have been written according to clear rule-writing principles so they can be easily understood and followed.

Proposal Changes the Following Existing Rules: If adopted, the proposed rules will add a new chapter to the Washington Administrative Code (WAC) regulating a specific segment of Washington's agricultural industry. The proposed rules require a special temporary permit for any agricultural producer who slaughters and prepares one thousand or fewer pastured chickens in a calendar year and offers those whole raw chickens for sale directly to the ultimate consumer at the producer's farm. In addition to the special permit, the rules establish requirements affecting how those chickens are slaughtered and prepared for sale.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department, with help from farmers who will be regulated by chapter 16-170 WAC, has analyzed the new costs imposed by the proposed rules and has concluded that the imposed costs are not "more than minor" and, therefore, a formal small business economic impact statement is not required (see chapter 19.85 RCW). The most significant cost of compliance is the annual special permit fee, which was set in statute by the legislature. The one annual cost established by rule is the cost of water testing required in WAC 16-170-155. The department surveyed county health departments in Washington state and based upon the information gathered from the twenty departments that responded found that the range of testing costs was \$14 to \$25 with an average annual cost of \$18.83. Other costs imposed by the proposed rule depend upon what type of slaughter facility the farmer has in place when the rule becomes effective. The department has estimated that there could be a new "one time" cost for equipment that ranges from \$00.00 to \$250.00. We have also estimated that there could be a new annual cost for supplies that ranges from \$00.00 to \$55.00. Considering all costs imposed, including the special permit fee and the cost of water testing, cost per bird slaughtered (assuming 1,000 birds per year) would range from \$00.09 to \$00.40 during the first year of operation and from \$00.09 to \$00.15 for the years thereafter. Again, the department staff and the industry representatives that developed the proposed rules do not consider these new costs to be more than minor.

RCW 34.05.328 does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency in RCW 34.05.328 (5)(a)(i).

Hearing Location: Skagit County Court House, Room "C," 700 South Second, Mt. Vernon, WA, on March 23, 2004, at 11:00 a.m.; at Spokane County Extension, Education Center, Room "E," Lower Level, 222 North Havana, Spokane, WA, on March 24, 2004, at 2:30 p.m.; and at Lewis County Old Court House, Commissioner's Hearing Room, Second Floor, 351 N.W. North Street, Chehalis, WA, on March 25, 2004, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact Virginia Walsh by March 15, 2004, TDD (360) 902-1996 or (360) 902-1976.

Submit Written Comments to: George Huffman, Department of Agriculture, P.O. Box 42560, Olympia, WA 98504, fax (360) 902-2092, e-mail ghuffman@agr.wa.gov.

Date of Intended Adoption: April 5, 2004.

February 18, 2004

Diana Dolstad

Acting Assistant Director

for Kathryn Kravit-Smith

Assistant Director

## Chapter 16-170 WAC

### SPECIAL TEMPORARY PERMITS FOR SLAUGHTERING PASTURED CHICKENS

#### NEW SECTION

**WAC 16-170-010 What is the purpose of this chapter?** The purpose of this chapter is to implement chapter 397, Laws of 2003 by establishing rules regulating the:

(1) Issuance of special temporary permits regulating the slaughter, preparation and sale of one thousand or fewer whole raw pastured chickens in a calendar year by the agricultural producer of those chickens when the chickens are sold directly to the ultimate consumer at the producer's farm.

(2) Conditions under which the pastured chickens identified in this section are slaughtered, prepared and sold.

#### NEW SECTION

**WAC 16-170-020 What definitions are important to this chapter?** (1) In addition to the definitions contained in this section, definitions found in chapters 69.04 and 69.07 RCW and Title 21 CFR may apply.

(2) For the purposes of this chapter, the following definitions apply:

"**Adequate**" means that which is needed to accomplish the intended purpose in keeping with good public health practices.

"**Agricultural producer**" means a person or persons who raise pastured chickens and who slaughter and sell one thousand or fewer of the chickens from their farm directly to the ultimate consumer.

"**Authorized person**" means a person or persons who work with the agricultural producer in the preparation and slaughter of pastured chickens under this chapter.

"**Chicken**" means the species *Gallus domesticus*.

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

"**Director**" means the director of the WSDA.

"**Pastured chicken**" means a chicken that has lived on pasture, range, or ground covered with vegetation that is suitable for grazing, during at least half the life span of the animal.

"**Potable water**" means water that is:

(a) Safe and sanitary;

(b) Free from coliform; and

(c) From an approved and monitored source.

"**Sanitize**" means to adequately treat chicken slaughtering, preparation and sale surfaces by a process that is effective in destroying vegetative cells of microorganisms of public health significance, and in substantially reducing numbers of other undesirable microorganisms, but without adversely

affecting the whole raw chicken or its safety for the consumer.

"**Temporary permit**" means a permit to slaughter chickens covered by this chapter, which is valid for the calendar year for which it is issued.

#### NEW SECTION

**WAC 16-170-030 Who is required to obtain a temporary special permit to slaughter, prepare and sell pastured chickens?** If you are an agricultural producer of pastured chickens who slaughters and prepares one thousand or fewer pastured chickens in a calendar year and sells those chickens as whole raw chickens from your farm to the ultimate consumer, you must obtain a temporary special permit before you slaughter.

#### NEW SECTION

**WAC 16-170-035 How can I obtain a temporary special permit?** (1) You can request an application for a temporary special permit by:

Writing to:

Washington State Department of Agriculture  
Food Safety Program  
P.O. Box 42560

Olympia, WA 98504-2560; or

Calling 360-902-1876; or

Faxing to 360-902-2087; or

Accessing website <http://agr.wa.gov>.

(2) The department must receive your completed application packet along with check or money order for seventy-five dollars at least six weeks before you plan to slaughter chickens.

Your application packet must include:

- (a) A completed application form;
- (b) A diagram of your slaughter/preparation site;
- (c) A description of your processing steps or a process flow diagram;
- (d) The proposed days or dates of slaughter;
- (e) A description of your rinse water and offal disposal procedures; and
- (f) Documentation verifying that the water you use at your slaughter/preparation site complies with the requirements in WAC 16-170-155.

(3) Once WSDA receives your application, you will be contacted for an on-site inspection before your special temporary permit can be further processed or issued.

(4) Once received, your permit must be prominently and conspicuously posted at your slaughter facility so your customers can see it.

(5) You are prohibited from slaughtering, preparing and selling chickens regulated by this chapter until you receive your special temporary permit.

#### NEW SECTION

**WAC 16-170-037 What type of slaughter/preparation site diagram is required?** (1) Your site diagram must clearly show the location of all slaughter and preparation equipment, contact work surfaces, chilling equipment, equip-

ment washing and sanitizing sinks or tubs, hand washing areas, rinse water and offal collection areas and chicken rearing areas.

(2) Everything illustrated on your site diagram must be clearly labeled.

#### NEW SECTION

**WAC 16-170-040 How long is my temporary special permit valid?** Subject to the one thousand chicken limit described in chapter 397, Laws of 2003, your temporary special permit is valid for the calendar year in which it is issued.

#### NEW SECTION

**WAC 16-170-050 Must I notify the department before I change the dates I plan to slaughter my chickens?** If you wish to slaughter pastured chickens on dates other than those requested in your application, you must notify the department by mail, e-mail, fax or by telephone with a written confirmation at least one week before you slaughter any chickens regulated by this chapter.

#### NEW SECTION

**WAC 16-170-060 What happens when I reach the one thousand chicken limit in the statute?** When you have slaughtered and sold one thousand whole raw pastured chickens to ultimate consumers from your farm in a calendar year, you no longer qualify for a temporary special permit for the remainder of the calendar year. Agricultural producers who slaughter more than one thousand chickens must comply with the requirements of chapter 69.07 RCW.

#### NEW SECTION

**WAC 16-170-070 What are the site requirements for slaughtering, preparing and selling chickens covered by this chapter?** At a minimum, your slaughter/preparation site must:

- (1) Be constructed or assembled to minimize insects, pests, birds, dust, mud and overhead contamination;
- (2) Include adequate lighting to illuminate the areas where chickens are slaughtered, prepared and sold;
- (3) Have an adequate hand washing station;
- (4) Be readily accessible to a toilet facility;
- (5) Include potable running water;
- (6) Include a means of safely disposing of rinse water and offal; and
- (7) Means of properly cooling slaughtered chickens unless the customer takes possession within four hours.

#### NEW SECTION

**WAC 16-170-075 What requirements apply to the equipment used to slaughter, prepare and sell chickens covered by this chapter?** All equipment must be readily cleanable and in good repair.

NEW SECTION

**WAC 16-170-080 Can a mobile processing unit be used to slaughter, prepare and sell pastured chickens covered by this chapter?** If the mobile processing unit (MPU) is a self-contained processing unit that meets all of the conditions designed for the sanitary processing of chickens under this chapter, a MPU may be used.

NEW SECTION

**WAC 16-170-090 Who can be in my slaughter site while the slaughter-preparation process is taking place?**

(1) Only authorized persons can be in your slaughter site while the slaughter-preparation process is taking place. Unauthorized persons must be kept out of the site.

(2) Any authorized person infected with a communicable disease, has open sores or infected cuts on hands, is vomiting or has diarrhea is prohibited from working in your slaughter site.

(3) Authorized persons are prohibited from smoking, eating or drinking while in your slaughter site.

NEW SECTION

**WAC 16-170-100 Must I wear protective clothing while slaughtering, processing and selling pastured chickens covered by this chapter?** (1) Anyone slaughtering, preparing and selling pastured chickens covered by this chapter must:

(a) Wear clean and adequate clothing.

"Clean and adequate" means that the clothing must be:

(i) Clean at the start of the slaughter-preparation-sale process; and

(ii) Changed when the clothing becomes soiled when contamination of the raw whole chicken, any process work surface, the equipment used to chill slaughtered chickens or the bags used to transport chickens that are sold becomes imminent; and

(iii) Suitable to the specific part of the process (slaughter, preparation or sale) in which you are engaged.

(b) Remove hand jewelry that cannot be adequately sanitized during periods when carcasses are handled by hand. If such hand jewelry cannot be removed, impermeable or disposable gloves must be worn.

(c) Maintain gloves, if they are used in processing, in an intact, clean, and sanitary condition. The gloves should be of an impermeable material.

(2) Clean and effective hair restraints, such as hairnets or beard nets are not required, but hats, caps, scarves or other head covers are recommended to prevent contamination of the whole raw chickens being slaughtered, prepared and sold.

NEW SECTION

**WAC 16-170-110 Can I store personal garments and belongings in my slaughter site?** All personal garments and belongings must be stored separately and apart from your slaughter site to ensure that they do not become a source of contamination to the raw whole chickens, slaughter and prep-

aration work surfaces and equipment, and the bags used to transport chickens that are sold.

NEW SECTION

**WAC 16-170-115 Can I store detergents, sanitizers and other materials in my slaughter site?** (1) You can store commercially purchased detergents, sanitizers and other materials related to the process in your slaughter site if they are properly labeled with:

(a) Product name;

(b) Chemical description;

(c) Directions for use;

(d) Any required precautionary and warning statements;

(e) First-aid instructions;

(f) Name and address of the manufacturer or distributor; and

(g) Any other information required by the U.S. Environmental Protection Agency or other laws or rules.

(2) You can store small "transport" or "use" containers containing detergents, sanitizers or other materials in your slaughter site but only under the following conditions:

(a) The contents must be properly identified on the container. Labeling the container with the common name is acceptable if the original commercially purchased storage container is on hand and properly identified.

(b) Food containers must not be used as containers for detergents, sanitizers or toxic materials.

(c) Containers used for detergents, sanitizers or other materials must not be used as food containers.

NEW SECTION

**WAC 16-170-120 Must I wash my hands before slaughtering chickens?** (1) You must adequately wash your hands:

(a) Before you begin the slaughtering process;

(b) Between the slaughtering and preparation steps in the process;

(c) Between the preparation and sale steps in the process;

(d) After each absence from the slaughter facility; and

(e) Any time your hands become contaminated.

(2) "Adequately washing your hands" means thoroughly washing your hands to prevent contaminating your slaughtered chickens. Adequate hand washing methods consist of:

(a) Applying soap to your hands;

(b) Using warm water;

(c) Scrubbing your hands thoroughly; and

(d) Using methods to rinse and dry your hands that prevent contamination.

NEW SECTION

**WAC 16-170-125 Are hand washing stations required at my chicken slaughter site?** (1) Anyone involved in your chicken slaughter process must have access to at least one hand washing station equipped with warm running water, hand soap, and paper towels.

(2) Hand washing stations must be conveniently located in your slaughter site and near your toilet facilities.

(3) If hand washing stations are not conveniently located in your slaughter site and near your toilet facilities, five-gallon insulated thermoses with continuous flow spigots filled with warm water between one hundred and one hundred and twenty degrees Fahrenheit with pump type liquid soap, paper towels and five-gallon buckets to catch rinse water are required on-site and near your toilet facilities.

#### NEW SECTION

**WAC 16-170-130 Can I use hand dips at my chicken slaughter site?** (1) "Hand dips" or "hand sanitizing stations" are recommended but not required in your chicken slaughter site. Sanitizing your hands using hand dips or hand sanitizing stations is not a substitute for adequate hand washing methods.

(2) However, if you use hand dips, they must be properly positioned and maintained.

(3) "Properly maintained" means sanitizing solutions are:

- (a) Checked and recharged to a strength equal to 100 PPM chlorine or 25 PPM iodine; and
- (b) Changed every four hours while in use.

#### NEW SECTION

**WAC 16-170-135 Do I need a toilet near my chicken slaughter site?** (1) At least one toilet must be available and conveniently located at your chicken slaughter site.

(2) A domestic toilet is sufficient if your slaughter operation is a family operation where only family members are employed. However, if you have employees, you must provide toilet facilities at your slaughtering site or allow your employees to use your domestic toilet.

(3) Portable chemical toilets may be used if they are conveniently located with a self-closing door, screened to exclude insects, and properly maintained.

(4) All nondomestic toilet areas must be kept clean, free of trash and litter, and in good repair. All doors used to enter the nondomestic toilet area must be self-closing and must not open directly into your slaughter site.

#### NEW SECTION

**WAC 16-170-140 What offal and rinse water disposal requirements apply to my chicken slaughter site?** Your chicken slaughter site must be designed and maintained to ensure that the:

(1) Offal and rinse water the site generates are readily and safely removed; and

(2) Offal and rinse water do not create an unsanitary condition or contaminate:

- (a) The raw whole chickens that you slaughter;
- (b) Any potable water stored and used at your slaughter site;
- (c) Any product contact surfaces at your slaughter site; or
- (d) Any bags used to package raw whole chickens sold to your ultimate consumers.

(3) Your rinse water disposal system must not allow any backflow from or cross connection between the piping that

discharges rinse water and the piping that carries potable water to the chicken slaughter area.

#### NEW SECTION

**WAC 16-170-145 How do I store my chicken slaughter equipment and utensils to prevent contamination?** (1) All of your chicken slaughter equipment and utensils must be stored so they will not become contaminated between uses.

(2) All utensils used to slaughter and prepare chickens, such as knives, scrapers, scoops, shovels, cutters, and other hand tools and equipment, must be placed or stored to prevent contact surfaces from being contaminated.

(3) Contaminated equipment and utensils must be cleaned and sanitized before they are used again.

#### NEW SECTION

**WAC 16-170-150 How do I ensure that my chicken slaughter contact surfaces are clean and maintained in a sanitary condition?** (1) All contact surfaces of equipment, utensils, containers and other articles used in the slaughter and preparation of chickens, must be kept free of any residue or contaminant that could contaminate or adulterate (as defined in RCW 69.04.210), the raw whole chicken carcass.

(2) Residues and contaminants must frequently be removed from all slaughter and preparation contact surfaces to prevent the residues from becoming:

- (a) Unwholesome or unfit for the raw whole chicken carcass;
- (b) Decomposed, filthy, or putrid; or
- (c) Injurious to public health.

(3) All slaughter and preparation contact surfaces must be sanitized:

- (a) Before they are used; and
- (b) After they are cleaned.

(4) You must keep a separate bucket of sanitizer in your slaughter site for rinsing/storing the wipe down cloths used to sanitize all slaughter equipment and slaughter/preparation contact surfaces. The sanitizing solution in the bucket, which at a minimum should be one teaspoon of liquid bleach for each gallon of cool water, should be changed every one to two hours while you are slaughtering chickens.

(5) Any noncarcass contact surfaces of equipment used in the slaughter of chickens must be kept reasonably free of dirt, old slaughter/preparation residues, foreign material, dust, mold, mildew, slime and other accumulations that occur as a result of the slaughter/preparation operation.

#### NEW SECTION

**WAC 16-170-155 What requirements apply to the water used in my slaughter site?** (1) Any water you use in the slaughter, preparation or sale of your chickens must be of a safe and sanitary quality, which means the water supply is potable from an approved source and is monitored according to applicable laws and rules.

(2) Processors that operate from single-family residences on private water supplies need only meet bacteriological testing requirements. Optionally, potable water may be hauled

onto the site for use by the processor as long as the transport vehicle and water are of safe and sanitary quality.

(3) Copies of your water test reports must be on file at your farm and available for review by WSDA during routine slaughter site inspections.

(4) Any ice you manufacture on your farm for use in your slaughter process must be manufactured from potable water.

(5) All ice that you do not manufacture must be from an approved source.

(6) All ice that you use at your chicken slaughter site must be properly handled and stored to protect against contamination.

#### NEW SECTION

**WAC 16-170-170 What requirements apply to the storing and handling of the bags I give my customers to transport the chickens they purchase from me?** (1) All bags that you use to package the slaughtered whole chickens that you sell to your customers must be new, of food grade quality and properly handled and stored, which means they must be protected from potential sources of contamination when they are handled and stored.

(2) Methods of properly handling and storing your bags at your slaughter site include, but are not limited to:

(a) All bags must be stored off of the floor or any other unsanitary surfaces.

(b) All bags must be stored in closed boxes or cartons before they are used.

(c) Bags must be removed from the closed box or carton in a way that prevents contamination.

(d) When a slaughtered whole chicken is inserted into a bag, the bag must be handled so it and the chicken are not exposed to contamination by dust, foreign material or other contaminants.

(e) Any bag dropped on the floor or some other unsanitary surface must not be used.

#### NEW SECTION

**WAC 16-170-175 What requirements apply to the chilling and storing of slaughtered chickens?** (1) All slaughtered chickens must be chilled to a temperature at or below forty-five degrees Fahrenheit within four hours of slaughter unless the customer takes possession of the slaughtered chickens during this time.

(2) Chilling may be accomplished through the use of mechanical refrigeration, an ice chest using ice from an approved source (see WAC 16-170-155), or by being immersed in cold running water.

(3) A temperature control (TC) must be used to monitor slaughter cool down temperature by inserting a calibrated thermometer into the thickest portion of the first slaughtered carcass and monitoring the temperature to ensure proper chilling at or below forty-five degrees Fahrenheit within four hours of slaughter.

(4)(a) Slaughtered chickens can be stored for up to forty-eight hours before they are sold.

(b) During their storage period, chicken carcass temperatures must be kept at or less than forty-five degrees Fahrenheit

by mechanical refrigeration equipped with a thermometer or by maintaining the carcasses in a properly designed storage container with the use of a temperature control (TC) as outlined in subsection (3) of this section.

(5) All chilled and/or stored chicken carcasses must be protected from physical, chemical, microbial contamination and deterioration.

#### NEW SECTION

**WAC 16-170-180 What recordkeeping requirements apply to my temporary special permit chicken slaughter operation?** (1) At a minimum, you must keep the following records at your farm:

(a) Your chicken slaughter dates;

(b) The number of chickens slaughtered on each slaughter date and the cumulative total of chickens slaughtered;

(c) The temperature control log monitoring proper chicken slaughter cool down and storage; and

(d) The water testing records if required by WAC 16-170-155.

(2) All records must be maintained so that the information they intend to convey is clear and understandable.

(3) All records must be available at your farm and available to department inspectors upon request.

(4) All records must be retained at the farm for six months after the expiration of the permit.

#### **WSR 04-05-120**

#### **PROPOSED RULES**

#### **DEPARTMENT OF AGRICULTURE**

[Filed February 18, 2004, 10:23 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-01-183.

Title of Rule: WAC 16-302-385 Grass seed standards for certification.

Purpose: The proposed amendments are in response to an industry request to modify the certification standards for thickspike wheatgrass to allow up to 10% slender wheatgrass for the certified class in the variety Critana.

Statutory Authority for Adoption: Chapters 34.05 RCW, RCW 15.49.310, and 15.49.370(3).

Statute Being Implemented: RCW 15.49.310.

Summary: WSDA proposes amending WAC 16-302-385 to increase the amount of slender wheatgrass that is allowed in the certified class of Critana Thickspike wheatgrass.

Reasons Supporting Proposal: The proposed changes in the certification standards are necessary to bring Washington standards in line with other western states, which will provide an equal marketing climate for Washington grass seed producers.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Victor Shaul, Operations Manager, Yakima, (509) 225-2630.

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: The proposed amendments to WAC 16-302-385 Grass seed standards for certification are intended to increase the amount of slender wheatgrass allowed in the certified class of Critana Thickspike wheatgrass to 10%. This will bring Washington's certification standard for this factor in line with certification standards of other western states. The anticipated effect of this rule change is that Washington seed producers will have the same certification standards as seed producers in other states, which will allow for the competitive marketing of Washington produced grass seed.

Proposal Changes the Following Existing Rules: The proposal modifies the language in WAC 16-302-385 to allow 10% slender wheatgrass in the certified class of Critana Thickspike wheatgrass.

No small business economic impact statement has been prepared under chapter 19.85 RCW. WSDA has concluded that the proposed amendments do not impose any new costs on business, therefore, a formal small business economic

impact statement as discussed in chapter 19.85 RCW is not required. There are no additional paperwork or reporting requirements associated with this proposal.

RCW 34.05.328 does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency in RCW 34.05.328 (5)(a)(i).

Hearing Location: Washington State Department of Agriculture, 21 North First Avenue, Suite 103, Conference Room, Yakima, WA 98902, on March 23, 2004, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact Virginia Walsh by March 16, 2004, TDD (360) 902-1996 or (360) 902-1976.

Submit Written Comments to: George Huffman, Rules Coordinator, P.O. Box 42560, Olympia, WA 98504-2560, fax (360) 902-2085, by 5:00 p.m. March 23, 2004.

Date of Intended Adoption: March 31, 2004.

February 18, 2004

Robert W. Gore

Assistant Director

**AMENDATORY SECTION** (Amending WSR 03-18-072, filed 8/29/03, effective 9/29/03)

**WAC 16-302-385 Grass seed standards for certification.** The seed standards for grass shall be as follows:

**SEED STANDARDS**

CROP AND TYPE OF REPRODUCTION AS PER WAC 16-302-330	MINIMUM % GERM (d)(n)		MINIMUM % PURE		MAXIMUM % INERT		MAXIMUM % WEEDS (b)		MAXIMUM % OTHER CROPS		MAXIMUM SEEDS OF OTHER CROP GRASS SPECIES		
	FNDT. REG.	FNDT. CERT.	FNDT. REG.	FNDT. CERT.	FNDT. REG.	FNDT. CERT.	FNDT. REG.	FNDT. CERT.	FNDT. (i) REG.	FNDT. CERT. (a)	FNDT. SEEDS/LB.	REG. SEEDS/LB.	CERT. %
<b>BLUEGRASS</b>													
Big (A)	70	70	90	90	10	10	.05	.3	.1	.5	45 /lb.	454 /lb.	.25
Canby (A)	70	70	90	90	10	10	.05	.3	.1	.5	45 /lb.	454 /lb.	.25
Kentucky (A)	80	80	97	97	3	3	.05	.3	.1	.5	45 /lb.	454 /lb.	.25
Canada, Upland (A)	80	80	96	92	4	8	.05	.3	.1	.5	45 /lb.	907 /lb.	.25
<b>BROMEGRASS</b>													
Smooth & Meadow (C) (C)	80	85	95	95	5	5	.05	.3 (c)	.1	.5	9 /lb.	91 /lb.	.25
Mountain & Sweet	85	85	95	95	5	5	.3	.3 (c)	.1	1.0	9 /lb.	91 /lb.	.25
DEERTONGUE (C)	50	50	97	95	3	5	.50	.5 (c)	1.0	1.0	1%		
<b>FESCUE</b>													
Tall & Meadow (C)	80	85	95	97	5	3	.03	.3 (c)	.1	.5	18 /lb.	91 /lb.	.25
Hard & Sheep (m)													
Turf Type (o)	80	85	95	97	5	3	.03	.3 (c)	.1	.5	9 /lb.	45 /lb.	.25
Reclamation/Range Type	80	85	95	92	5	8	.03	.3 (c)	.1	.5	9 /lb.	45 /lb.	.25
Chewings Red, Idaho and other Fescue (C)	80	90	95	97	5	3	.03	.3 (c)	.1	.5	9 /lb.	45 /lb.	.25
<b>ORCHARDGRASS</b>													
(C)	80	85	85	90	15	10	.03	.3 (c)	.1	.5	27 /lb.	91 /lb.	.25
		80 for	penlate	& lantar									
<b>RYEGRASS</b>													
Pennfine (C)	85	90 (l)	96 (k)	97 (k)	4	3	.1	.3 (c)	.1	.5	9 /lb.	45 /lb.	.25
	80	85	96 (k)	97 (k)	4	3	.1	.3 (c)	.1	.5	9 /lb.	45 /lb.	.25
<b>TIMOTHY</b>													
	80	85	97	97	3	3	.1	.3	.1	.5	9 /lb.	45 /lb.	.25

PROPOSED



CROP AND TYPE OF REPRODUCTION AS PER WAC 16-302-330		MINIMUM % GERM (d)(n)		MINIMUM % PURE		MAXIMUM % INERT		MAXIMUM % WEEDS (b)		MAXIMUM % OTHER CROPS		MAXIMUM SEEDS OF OTHER CROP GRASS SPECIES		
		FNDT. REG.	CERT.	FNDT. REG.	CERT.	FNDT. REG.	CERT.	FNDT. REG.	CERT.	FNDT. (i) REG.	CERT. (a)	FNDT. SEEDS/ LB.	REG. SEEDS/ LB.	CERT. %
<b>WHEATGRASS (n)</b>														
Beardless	(C)	80	85	90	90	10	10	.1	.3 (c)	.1 (e)	.5 (e)	9 /lb.	45 /lb.	.25
Bluebunch	(C) (C)	80	85	90	90	10	10	.1	.3 (c)	.1 (e)	.5 (e)	9 /lb.	45 /lb.	.25
Intermediate, Tall	(C)	80	85	95	95	5	5	.1	.3 (c)	.1 (e)	.5 (e)	9 /lb.	45 /lb.	.25
Pubescent		80	85	95	95	5	5	.1	.3 (c)	.1 (e)	.5 (e)	9 /lb.	45 /lb.	.25
Western, R/S														
Streambank,	(C)													
Thickspike	(S)	80	85	90	90	10	10	.1	.3 (c)	.1 (e)	.5 (e)(p)	9 /lb.	45 /lb.	.25(p)
Slender	(C)	80	85	90	95	10	5	.1	.3 (c)	.1 (e)	.5 (e)	9 /lb.	45 /lb.	.25
Crested & Siberian		80	85	90	95	10	5	.1	.3 (c)	.1 (e)	.5 (e)	9 /lb.	45 /lb.	.25
<b>INDIAN</b>														
RICEGRASS	(S)	80 (j)	80 (j)	95	90	5	10	.3	.5	.5	1.0	9 /lb.	45 /lb.	.25
<b>PUCGINELLIA (n)</b>														
distans	(C)	80	80	90	95	5	5	.3	.5	.5	1.0	45 /lb.	454 /lb.	.25
WILDRYE (n)	(C)	80	80	90	90	10	10	.1	.3 (c)	.1	.5	9 /lb.	45 /lb.	.25
BENTGRASS	(C)	85	85	98	98	2	2	.3	.4 (f) (g)	.2	.6 (h)			
REDTOP	(C)	80	80	92	92	8	8	.3	.5 (f)	.5	.2			
<b>Ann.</b>														
CANARYGRASS	(C)	85	85	99	99	1	1	.1	.3	1/lb.	3/lb.			
GREEN (n)	(C)	80	80	80	80	20	20	.1	.3 (c)	.1	.5	-	-	
<b>NEEDLEGRASS</b>														
SWITCHGRASS	(C)	60	60	90	90	10	10	.5	1.5	.1	.25			

The following (a) - (o) are notes to the above table.

- (a) Not to exceed .25% other grass species for blue tag seed.
- (b) Grass seed must not contain more than 45/lb. for registered seed 91/lb. for certified seed, singly or collectively, of objectionable weed seeds. (See (f) of this subsection for certified bentgrass and redtop exemption.) Grass seed shall be free of the seed of prohibited noxious weeds.
- (c) A tolerance of 0.5% may be allowed for samples containing weedy bromus spp provided the total of all other weed seeds does not exceed 0.3%.
- (d) A standard tetrazolium (two hundred seed) test may be used in lieu of germination test. NOTE: State and federal seed laws require seed be labeled on a germination test.
- (e) A tolerance of 0.8% may be allowed in registered and certified wheatgrass containing small grain seed provided the total of all other crop seed does not exceed 0.1% for registered class and 0.5% for certified class.
- (f) Certified seed must not contain over 907 seeds per pound, singly or collectively, of the following weeds: Plantago spp., Big Mouse-ear Chickweed, Yarrow, Spotted Cat's Ear, and Dandelion.
- (g) A maximum of .50% weed seed may be allowed in certified bentgrass containing silver hairgrass provided the total of all other weed seed does not exceed .40%.
- (h) 1.50% other fine bentgrasses and .50% redtop may be allowed in certified bentgrass containing a minimum of 98.00% total bentgrass.
- (i) A crop exam is required for all registered and foundation class grass seeds.
- (j) Or 70% by Tz test.
- (k) Maximum other ryegrass allowed as determined by fluorescence test: Foundation 0.1%, registered 1%, certified 2% for annual and 3% for perennial containing a minimum of 97% total ryegrass. Acceptable fluorescence levels for specific varieties available upon request.
- (l) 85% minimum germination allowed on ryegrass varieties as designated by the breeder or variety owner. See list maintained by the seed program.
- (m) An ammonia test is required on hard and sheep fescue to determine presence of other Fescue sp. Other fine-leaved fescue found in the ammonia test will be included with other crop not other grass species.
- (n) Total viability as allowed in WAC 16-302-170 can be substituted for germination percentage.
- (o) Turf type fescues 97% pure seed. Range/reclamation types 92% pure seed. Varietal designation of turf or range/reclamation types are to be made by the breeder or variety owner. If no designation is made, the variety will be considered a turf type.
- (p) 10% slender wheatgrass is allowed in the certified class of Critana, provided that the total of all other grass spp. does not exceed .25% and total other crop, including all other grass spp. does not exceed .50%.

PROPOSED



**WSR 04-05-024**  
**EXPEDITED RULES**  
**PUBLIC WORKS BOARD**

[Filed February 10, 2004, 2:56 p.m.]

Title of Rule: WAC 399-30-060 Loan and financing guarantee contracts, this rule identifies contractual terms and conditions; sets timelines for adoption of terms; and sets timelines for borrowers to return contract documents to the Public Works Board.

Purpose: Removes minimum matching fund requirements.

Statutory Authority for Adoption: RCW 43.155.040(4).  
 Statute Being Implemented: Chapter 43.155 RCW.

Summary: The Public Works Board has determined its local match requirements hinder local government participation in the public works trust fund.

Reasons Supporting Proposal: The board has traditionally required a minimum 10% local match for the projects funded by public works trust fund loans. As the cost of projects has increased, the board finds that flexibility in setting local match rates is necessary.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mike Woods, Evergreen Plaza Building, 711 Capitol Way, Suite 102, Olympia, WA, (360) 586-4133.

Name of Proponent: Public Works Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The Public Works Board has traditionally funded 90% of the cost of local government infrastructure projects (10% local match is required). As the cost of projects has increased, the board finds the 10% local match requirement hinders local participation in the program. Removing 10% match requirement provides the board flexibility in setting match. This will result in improved customer service.

Proposal Changes the Following Existing Rules: Removes the 10% local match requirement.

**NOTICE**

**THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Mike Woods, Public Works Board, Evergreen Plaza Building, 711 Capitol Way, Suite 102, Olympia, WA 98504-8319, AND RECEIVED BY April 19, 2004.**

February 10, 2004

Mike Woods

Program Resources Manager

AMENDATORY SECTION (Amending WSR 98-24-010, filed 11/19/98, effective 12/20/98)

**WAC 399-30-060 Loan and financing guarantee contracts.** (1) The board will only execute loan agreements or otherwise financially obligate funds from the public works assistance account after the legislature approves the list and accompanying appropriation.

(2) After the legislature has appropriated funds from the public works assistance account for a specific list of public works projects, the loan funds will be disbursed to the applicant local government through a contract. The contract will offer terms and conditions as the board determines are reasonable, based on the following standards:

~~(a) The amount loaned to a local government must not exceed ninety percent of eligible proposed project costs.~~

~~(b) (a)~~ The local government's financial participation funds must be from locally generated revenues or federal or state shared revenues that can be allocated at the discretion of the local government.

~~(e) (b)~~ The interest rates, ~~and~~ local share requirements and loan limits for loans will be determined annually by the board.

~~(d) (c)~~ Loans must not exceed twenty years, or the useful life of the improvements, whichever is shorter.

(3) The local government and the department must execute a final contract before any funds are disbursed.

(4) The local government must complete a scope of work form for a loan or financing guarantee and return it to the department within ninety days after the department offers a loan or financing guarantee.

(5) The local government must execute any loan or financing guarantee contracts offered within ninety days after the department offers the contract.

(6) The local government must begin work on a public works project prior to October 1 of the year in which the loan or financing guarantee is offered.

(7) The local government must complete work on the public works project within the time specified in the loan agreement, unless a written request for extension is approved by the board.

(8) The board or department will not reimburse local governments for any funds spent on public works projects financed through the public works assistance account before a contract agreement has been formally executed. Funds spent before the contract is executed may be used toward local participation requirements if they are for eligible activities under WAC 399-30-030 and are consistent with the executed loan agreement.

**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.

EXPEDITED

**WSR 04-05-030**  
**EXPEDITED RULES**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**

[Order 711—Filed February 11, 2004, 10:03 a.m.]

**Title of Rule:** WAC 332-130-100(2) Equipment and procedures—Requires how distance measuring instruments are to be maintained and adjusted.

**Purpose:** To protect the public by ensuring surveyor's distance measuring instruments are properly maintained.

**Statutory Authority for Adoption:** RCW 58.24.020.

**Statute Being Implemented:** RCW 58.24.020.

**Summary:** WAC 332-130-100(2) Shall read: "All measuring instruments and equipment shall be maintained in adjustment according to manufacturer's specifications."

**Reasons Supporting Proposal:** To reflect changes in technology relating to modern measuring instruments and to acknowledge that NGS 1400-meter baselines are not readily accessible or available.

**Name of Agency Personnel Responsible for Drafting:** Gwen Roy, Olympia, Washington, (360) 902-1197; **Implementation and Enforcement:** Jim Hurst, Olympia, Washington, (360) 902-1199.

**Name of Proponent:** Land Surveyors Association of Washington, private.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** As the rule currently exists, surveyors are required to compare all distance measuring instruments annually to a baseline calibrated by the national geodetic survey (NGS). The rule was originally made to ensure a surveyor's instrument was measuring within tolerances set by the manufacturer. However, with modern electronic distance measuring instruments and new methods, including survey grade G.P.S. units, the method of calibrating has evolved so that the old rule doesn't apply. Also, NGS baselines are not available in many areas of the state and many that currently exist are not accessible or are threatened by proposed development.

**Proposal Changes the Following Existing Rules:** The proposed change will strike the last part of the sentence of WAC 332-130-100(2) which requires distance measuring instruments to be compared annually to a national geodetic survey calibrated baseline.

**NOTICE**

**THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Heather White, Department of Natural Resources, Rules Coordinator, P.O. Box**

47015, Olympia, WA 98504-7015, AND RECEIVED BY April 20, 2004.

February 10, 2004  
 Bruce Mackey  
 Lands Steward

AMENDATORY SECTION (Amending Order 561, filed 5/11/89)

**WAC 332-130-100 Equipment and procedures.** (1) All land boundary surveys filed or recorded shall contain a statement identifying the type of equipment used, such as 10-second theodolite and calibrated chain, or 10-second theodolite and electronic distance measuring unit, and procedures used, such as field traverse, photogrammetric survey, global positioning system survey or a combination thereof to accomplish the survey shown;

(2) All measuring instruments and equipment shall be maintained in adjustment according to manufacturer's specifications (~~and all distance measuring instruments shall be, at a minimum, compared and adjusted annually to a National Geodetic Survey calibrated baseline~~).

**WSR 04-05-058**

**EXPEDITED RULES**  
**ENERGY FACILITY SITE**  
**EVALUATION COUNCIL**

[Filed February 17, 2004, 10:16 a.m.]

**Title of Rule:** Chapter 463-39 WAC, General and operating permit regulations for air pollution sources.

**Purpose:** Update the Energy Facility Site Evaluation Council's (EFSEC's) air rules for energy facilities (chapter 463-39 WAC) to be consistent with ecology's requirements for new source review (NSR), prevention of significant deterioration (PSD), air operating permit (AOP), and acid rain permit programs for air emissions. Update EFSEC's adoption of federal new source performance standards (NSPS). Clarify agency procedures for permit application form, source registration and penalties for consistency with ecology regulations and state laws.

**Statutory Authority for Adoption:** RCW 80.50.040 (1) and (12).

**Statute Being Implemented:** Chapter 80.50 RCW.

**Summary:** The main focus is to update adoption by reference, or adopt new sections of chapters 173-400, 173-401, 173-406 and 173-460 WAC promulgated by the Department of Ecology to comply with the state and federal clean air acts and the requirements of the state implementation plan (SIP). Changes to the language regarding the application form, source registration and penalties for permits issued under chapter 463-39 WAC are required for clarity.

**Reasons Supporting Proposal:** Consistency with federal requirements is necessary for EFSEC to retain and exercise its delegated authority from the United States Environmental Protection Agency to implement federal Clean Air Act programs and regulations for facilities under EFSEC jurisdic-

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tion. Updating the rules will also make the control of air emissions consistent with current state requirements.

Name of Agency Personnel Responsible for Drafting: Irina Makarow, Siting Manager, Olympia, (360) 956-2047; Implementation: Allen Fiksdal, EFSEC Manager, Olympia, (360) 956-2152; and Enforcement: Mike Mills, Compliance Manager, Olympia, (360) 956-2151.

Name of Proponent: Energy Facility Site Evaluation Council, governmental.

Rule is necessary because of federal law, Federal Clean Air Act.

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 463-39 WAC, General and operating permit regulations for air pollution sources, implements the standards and procedural requirements for review and issuance of air emission permits for facilities under EFSEC jurisdiction. Because EFSEC is delegated by the United States Environmental Protection Agency to issue certain federal permits, and because EFSEC is authorized by state statute to issue state permits for air pollution sources regulated under chapter 80.50 RCW. Chapter 463-39 WAC adopts by reference, and implements both state and federal laws and rules regarding air emissions control.

Since the last amendments to chapter 463-39 WAC, both state and federal rules for air pollution sources have been updated and/or revised. WAC 463-39-005, which adopts state regulations for air pollution sources, was last amended in 1995; WAC 463-39-115, which adopts federal new source performance standards, was last amended in 1994. Both federal laws, and regulations, and consequently state regulations, have been modified since that time. Applicable sections of chapters 173-400, 173-401, 173-406 and 173-460 WAC are adopted by reference in EFSEC WAC 463-39-005, and have all been amended by ecology since 1995. The purpose of the amendments to chapter 463-39 WAC is to maintain a permit program for air pollution sources that is consistent with the current state and federal requirements.

Other changes proposed in this expedited rule making are required to clarify existing language.

Proposal Changes the Following Existing Rules: WAC 463-39-005, update adoption by reference of applicable sections of ecology chapters 173-400, 173-401, 173-406 and 173-460 WAC, as in effect on July 1, 2003; WAC 463-39-030, add the definition of "permitting agency" for consistency with ecology chapter 173-400 WAC in effect on July 1, 2003; WAC 463-39-090, clarify that standard ecology forms may be used for applications for air operating permits; WAC 463-39-100, clarify that sources subject to chapter 173-401 WAC (operating permit regulation) are not required to comply with the registration requirements of WAC 463-39-100; WAC 463-39-115, update adoption by reference of federal new source performance standards, as in effect on July 1, 2003; and WAC 463-39-135, clarify that persons in violation of chapter 463-39 WAC are subject to the provisions of both chapter 80.50 RCW and the state Clean Air Act, RCW 70.94.422.

#### NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL

ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Allen Fiksdal, EFSEC Manager, Energy Facility Site Evaluation Council, 925 Plum Street S.E., Building 4, P.O. Box 43172, Olympia, WA 98504-3172, AND RECEIVED BY April 20, 2004.

February 17, 2004

Allen J. Fiksdal  
EFSEC Manager

AMENDATORY SECTION (Amending WSR 95-17-088, filed 8/21/95, effective 9/21/95)

**WAC 463-39-005 Adoption by reference.** (1) The energy facility site evaluation council adopts the following ~~((sections or subsections))~~ provisions of chapter 173-400 WAC, in effect on July 1, 2003, by reference.

- WAC 173-400-030: Definitions.
- WAC 173-400-035: Portable and temporary sources.
- WAC 173-400-040: General standards for maximum emissions.
- WAC 173-400-050: Emission standards for combustion and incineration units.
- WAC 173-400-060: Emission standards for general process units.
- WAC 173-400-075: Emission standards for sources emitting hazardous air pollutants.
- WAC 173-400-081: Startup and shutdown.
- WAC 173-400-091: Voluntary limits on emissions.
- WAC 173-400-105: Records, monitoring, and reporting.
- WAC 173-400-107: Excess emissions.
- WAC 173-400-110: New source review (NSR).
- WAC 173-400-112: Requirements for new sources in nonattainment areas.
- WAC 173-400-113: Requirements for new sources in attainment or unclassifiable areas.
- WAC 173-400-114: Requirements for replacement or substantial alteration of emission control technology at an existing stationary source.
- WAC 173-400-117: Special protection requirements for federal Class I areas.
- WAC 173-400-120: Bubble rules.
- WAC 173-400-131: Issuance of emission reduction credits.
- WAC 173-400-136: Use of emission reduction credits.
- WAC 173-400-141: Prevention of significant deterioration (PSD).

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- WAC 173-400-151: Retrofit requirements for visibility protection.
- WAC 173-400-161: Compliance schedules.
- WAC 173-400-171: Public involvement.
- WAC 173-400-180: Variance.
- WAC 173-400-190: Requirements for nonattainment areas.
- WAC 173-400-200: Creditable stack height and dispersion techniques.
- WAC 173-400-205: Adjustment for atmospheric conditions.

(2) The energy facility site evaluation council adopts the following ((~~sections or subsections~~)) provisions of chapter 173-401 WAC, in effect on July 1, 2003, by reference.

- WAC 173-401-100: Program overview.
- WAC 173-401-200: Definitions.
- WAC 173-401-300: Applicability.
- WAC 173-401-500: Permit applications.
- WAC 173-401-510: Permit application form.
- WAC 173-401-520: Certification.
- WAC 173-401-530: Insignificant emission units.
- WAC 173-401-531: Thresholds for hazardous air pollutants.
- WAC 173-401-532: Categorically exempt insignificant emission units.
- WAC 173-401-533: Units and activities defined as insignificant on the basis of size or production rate.
- WAC 173-401-600: Permit content.
- WAC 173-401-605: Emission standards and limitations.
- WAC 173-401-610: Permit duration.
- WAC 173-401-615: Monitoring and related record-keeping and reporting requirements.
- WAC 173-401-620: Standard terms and conditions. Except (2)(i).
- WAC 173-401-625: Federally enforceable requirements.
- WAC 173-401-630: Compliance requirements.
- WAC 173-401-635: Temporary sources.
- WAC 173-401-640: Permit shield.
- WAC 173-401-645: Emergency provision.
- WAC 173-401-650: Operational flexibility.
- WAC 173-401-700: Action on application.
- WAC 173-401-705: Requirement for a permit.
- WAC 173-401-710: Permit renewal, revocation and expiration.
- WAC 173-401-720: Administrative permit amendments.

- WAC 173-401-722: Changes not requiring permit revisions.
- WAC 173-401-725: Permit modifications.
- WAC 173-401-730: Reopening for cause.
- WAC 173-401-750: General permits.
- WAC 173-401-800: Public involvement.
- WAC 173-401-810: EPA Review.
- WAC 173-401-820: Review by affected states.

(3) The energy facility site evaluation council adopts the following ((~~sections or subsections~~)) provisions of chapter 173-406 WAC, in effect on July 1, 2003, by reference.

#### Part I - GENERAL PROVISIONS

- WAC 173-406-100: Acid rain program general provisions.
- WAC 173-406-101: Definitions.
- WAC 173-406-102: Measurements, abbreviations, and acronyms.
- WAC 173-406-103: Applicability.
- WAC 173-406-104: New units exemption.
- WAC 173-406-105: Retired units exemption.
- WAC 173-406-106: Standard requirements.

#### Part II - DESIGNATED REPRESENTATIVE

- WAC 173-406-200: Designated representative.
- WAC 173-406-201: Submissions.
- WAC 173-406-202: Objections.

#### Part III - APPLICATIONS

- WAC 173-406-300: Acid rain permit applications.
- WAC 173-406-301: Requirement to apply.
- WAC 173-406-302: Information requirements for acid rain permit applications.
- WAC 173-406-303: Permit application shield and binding effect of permit application.

#### Part IV - COMPLIANCE PLAN

- WAC 173-406-400: Acid rain compliance plan and compliance options.
- WAC 173-406-401: General.
- WAC 173-406-402: Repowering extensions.

#### Part V - PERMIT CONTENTS

- WAC 173-406-500: Acid rain permit.
- WAC 173-406-501: Contents.
- WAC 173-406-502: Permit shield.

#### Part VI - PERMIT ISSUANCE

- WAC 173-406-600: Acid rain permit issuance procedures.
- WAC 173-406-601: General.
- WAC 173-406-602: Completeness.

## Part VI - PERMIT ISSUANCE

- WAC 173-406-603: Statement of basis.  
 WAC 173-406-604: Issuance of acid rain permits.  
 WAC 173-406-605: Acid rain permit appeal procedures.

## Part VII - PERMIT REVISIONS

- WAC 173-406-700: Permit revisions.  
 WAC 173-406-701: General.  
 WAC 173-406-702: Permit modifications.  
 WAC 173-406-703: Fast-track modifications.  
 WAC 173-406-704: Administrative permit amendment.  
 WAC 173-406-705: Automatic permit amendment.  
 WAC 173-406-706: Permit reopenings.

## Part VIII - COMPLIANCE CERTIFICATION

- WAC 173-406-800: Compliance certification.  
 WAC 173-406-801: Annual compliance certification report.  
 WAC 173-406-802: Units with repowering extension plans.

## Part IX - NITROGEN OXIDES

- WAC 173-406-900: Nitrogen oxides emission reduction program.

## Part X - SULFUR DIOXIDE OPT-IN

- WAC 173-406-950: Sulfur dioxide opt-ins.

(4) The energy facility site evaluation council adopts the following (~~sections or subsections~~) provisions of chapter 173-460 WAC, in effect on July 1, 2003, by reference.

- WAC 173-460-010: Purpose.  
 WAC 173-460-020: Definitions.  
 WAC 173-460-030: Requirements, applicability and exemptions.  
 WAC 173-460-040: New source review.  
 WAC 173-460-050: Requirement to quantify emissions.  
 WAC 173-460-060: Control technology requirements.  
 WAC 173-460-070: Ambient impact requirement.  
 WAC 173-460-080: Demonstrating ambient impact compliance.  
 WAC 173-460-090: Second tier analysis.  
 WAC 173-460-100: Request for risk management decision.  
 WAC 173-460-110: Acceptable source impact levels.  
 WAC 173-460-120: Scientific review and amendment of acceptable source impact levels and lists.  
 WAC 173-460-130: Fees.  
 WAC 173-460-140: Remedies.

- WAC 173-460-150: Class A toxic air pollutants: Known, probable and potential human carcinogens and acceptable source impact levels.  
 WAC 173-460-160: Class B toxic air pollutants and acceptable source impact levels.

AMENDATORY SECTION (Amending WSR 95-17-088, filed 8/21/95, effective 9/21/95)

**WAC 463-39-030 Additional definitions.** (1) "Council" means the energy facility site evaluation council.

(2) In addition to the definitions contained in WAC 173-400-030, 173-401-200, 173-406-101, "ecology," (~~and~~) "authority" and "permitting agency" shall be synonymous with the energy facility site evaluation council unless a different meaning is plainly required by context.

AMENDATORY SECTION (Amending WSR 95-17-088, filed 8/21/95, effective 9/21/95)

**WAC 463-39-090 Permit application form.** (1) Applications for air operating permits (~~shall~~) may be on the standard form(s) developed by the department of ecology and shall contain the information required pursuant to WAC 173-401-510(2).

(2) Applications for permits under chapter 173-406 WAC shall be on form(s) developed by the department of ecology.

AMENDATORY SECTION (Amending WSR 93-23-035, filed 11/10/93, effective 12/11/93)

**WAC 463-39-100 Registration.** (1) The owner or operator of each stationary source subject to chapter 80.50 RCW shall register the source with the council. Stationary sources subject to chapter 173-401 WAC are not required to comply with these registration requirements.

Registration shall be on forms which have been adopted for use by the department of ecology within the time specified thereon.

A report of closure shall be filed with the council within ninety days after operations producing emissions permanently ceased at any source within the council's jurisdiction.

(2) The council shall ensure that the following, as it pertains to sources covered under this rule, is passed on to ecology in a timely manner for inclusion in its permit register:

- (a) Public meetings or hearings on draft operating permits;
- (b) Receipt of complete applications;
- (c) Permit appeals;
- (d) Issuance or denial of final permit, permit modifications, or renewals;
- (e) Authorization for a source to operate without an operating permit by limiting its potential to emit to levels below those that would require the source to obtain an operating permit;
- (f) Periodic summaries of enforcement order and changes made without revising the permit pursuant to WAC 173-401-722.

AMENDATORY SECTION (Amending WSR 94-16-031, filed 7/26/94, effective 8/26/94)

**WAC 463-39-115 Standards of performance for new stationary sources.** ((Subparts A, D, Da, GG, J, K, Kb, Y, KKK, LLL, QQQ-ef)) (1) Title 40, Code of Federal Regulations, Part 60 (standards of performance for new stationary sources), ((are)) in effect on July 1, 2003, as applicable to new stationary sources subject to chapter 80.50 RCW is by this reference adopted and incorporated herein with the exceptions ((of sections 60.5 (determination of construction or modification) and 60.6 (review of plans))) listed in subsection (2) of this section. For the purpose of state administration of the federal regulations adopted by reference hereby, the term "administrator" as used therein shall refer to the council. The following list is provided for informational purposes only:

- Subpart A            General Provisions, except 40 CFR 60.5 and 60.6
- Subpart D            Fossil fuel fired steam generators for which construction commenced after August 17, 1971, and prior to September 19, 1978, which have a heat input greater than 73 megawatts but not greater than 350 megawatts
- Subpart Da          Electric utility steam-generating units for which construction commenced after September 18, 1978, which have a heat input greater than 73 megawatts but not greater than 350 megawatts
- Subpart J            Petroleum refineries which produce less than 25,000 barrels per day of refined products
- Subpart K            Storage vessels for petroleum liquid constructed after June 11, 1973, and prior to May 19, 1978, which have a capacity greater than 40,000 gallons
- Subpart Ka          Storage vessels for petroleum liquids constructed after May 18, 1978, which have a capacity greater than 40,000 gallons
- Subpart Kb          Volatile organic liquid storage vessels (including petroleum liquid storage vessels) constructed, reconstructed, or modified after July 23, 1984
- Subpart Y            Standards for Performance for Coal Preparation Plants
- Subpart GG          Stationary gas turbines
- Subpart XX          Bulk gasoline terminals
- Subpart GGG        Petroleum refineries - compressors and fugitive emission sources
- Subpart KKK        Equipment leaks of VOC from onshore natural gas processing plants
- Subpart LLL        Onshore natural gas processing; SO<sub>2</sub> emissions

- Subpart NNN        VOC emissions from SO<sub>2</sub> distillation operations
- Subpart QQQ        VOC emissions from petroleum refinery wastewater emissions
- Appendix A          Test Methods
- Appendix B          Performance Specifications
- Appendix C          Determination of Emission Rate Change
- Appendix D          Required Emission Inventory Information
- Appendix F          Quality Assurance Procedures

(2) Exceptions to adopting 40 CFR Part 60 by reference.

Sections 60.5 and 60.6 ((of Title 40, Code of Federal Regulations,)) are not incorporated herein because they provide for preconstruction review of new stationary sources only on request. By virtue of WAC 173-400-110, such review under the state program is mandatory and an order of approval is required before the construction, installation or establishment of a new stationary source may commence.

AMENDATORY SECTION (Amending Order 79-1, filed 8/6/79)

**WAC 463-39-135 Criminal penalties.** Persons in violation of this chapter may be subject to the provisions of chapter 80.50 RCW and RCW 70.94.422.

**WSR 04-05-072**  
**EXPEDITED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Filed February 17, 2004, 1:48 p.m.]

Title of Rule: Chapter 296-56 WAC, Safety standards for longshore, stevedore and related waterfront operations.

Purpose: The Occupational Safety and Health Administration (OSHA) found our rules requiring the use of personal flotation devices (PFD) to be less effective than the federal standard. The proposed changes will make our rule at-least-as-effective-as the federal equivalent. Additional housekeeping changes will be made.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Statute Being Implemented: Chapter 49.17 RCW.

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Tracey Spencer, Tumwater, (360) 902-5530; Implementation and Enforcement: Michael A. Silverstein, Tumwater, (360) 902-5495.

Name of Proponent: Department of Labor and Industries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 296-56-60115 Other protective measures, contain requirements on the use of personal flotation devices (PFD) when conducting longshore, stevedore and related

EXPEDITED



waterfront operations. There are no anticipated effects of this rule making.

WAC 296-56-60243 Fuel handling and storage, we are changing the reference to WAC 296-24-475 from liquid fuels to liquefied gas fuels. There are no anticipated effects of this rule making.

Proposal Changes the Following Existing Rules: The following sections are affected by this rule making:

**AMENDED SECTIONS:**

WAC 296-56-60115 Other protective measures, the proposal will require that employees wear PFDs regardless of the water depth.

WAC 296-56-60243 Fuel handling and storage, the proposal moves a reference to chapter 296-24 WAC from subsection (1), liquid fuel to subsection (2), liquefied gas fuels.

**NOTICE**

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Carmen Moore, Department of Labor and Industries, P.O. Box 44001, Olympia, WA 98504-4001, AND RECEIVED BY April 21, 2004.

February 17, 2004

Paul Trause

Director

**AMENDATORY SECTION** (Amending WSR 00-21-103, filed 10/18/00, effective 2/1/01)

**WAC 296-56-60115 Other protective measures.** (1) Protective clothing.

(a) Employees performing work that requires special protective clothing shall be directed by the employer to wear the necessary special protective clothing.

(b) When necessary, protective clothing previously worn shall be cleaned and disinfected before reissuance.

(2) Personal flotation devices.

(a) The employer shall provide, and shall direct the wearing of personal flotation devices for those employees, such as line handlers, who are engaged in work in which they may be pulled into the water:

(i) When such employees are working in isolation: or

(ii) Where physical limitations of available working space creates a hazard of falling into the water; or

(iii) Where the work area is obstructed by cargo or other obstacles so as to prevent employees from obtaining safe footing for their work.

(b) Employees working on, over or along water, where the danger of drowning exists, shall be provided with and shall wear approved personal flotation devices.

(i) Employees are not considered exposed to the danger of drowning when:

(A) ~~((The water depth is known to be less than chest deep on the exposed individual;~~

~~(B)))~~ Working behind standard height and strength guardrails;

~~((C)))~~ (B) Working inside operating cabs or stations which eliminate the possibility of accidental falling into the water;

~~((D)))~~ (C) Wearing approved safety belts with lifeline attached so as to preclude the possibility of falling into the water.

(ii) Prior to and after each use, personal flotation devices shall be inspected for defects which would reduce their designed effectiveness. Defective personal flotation devices shall not be used.

(iii) To meet the requirement of (b) of this subsection, a personal flotation device shall be approved by the United States Coast Guard as a Type I PFD, Type II PFD, Type III PFD, or Type V PFD, or equivalent, pursuant to 46 CFR 160 (Coast Guard Lifesaving Equipment Specifications) and 33 CFR 175.23 (Coast Guard Table of Devices Equivalent to Personal Flotation Devices). Ski belt or inflatable type personal flotation devices are specifically prohibited.

(c) Life rings.

(i) Along docks, walkways or other fixed installations on or adjacent to open water more than five feet deep, approved life rings with line attached shall be provided. The life rings shall be spaced at intervals not to exceed two hundred feet and shall be kept in easily visible and readily accessible locations.

(ii) When employees are assigned work at other casual locations where exposure to drowning exists, at least one approved life ring with line attached shall be provided in the immediate vicinity of the work.

(iii) Work assigned over water where the vertical drop from an accidental fall exceeds fifty feet, is subject to specific procedures approved by the department.

(iv) Lines attached to life rings shall be at least ninety feet (27.43 m) in length, at least one-quarter inch in diameter and have a minimum breaking strength of five hundred pounds.

(v) Life rings must be United States Coast Guard approved thirty inch size (76.2 cm).

(vi) Life rings and attached lines must be maintained to retain at least seventy-five percent of their designed buoyancy and strength.

(3) Emergency facilities. When employees are exposed to hazardous substances which may require emergency bathing, eye washing or other facilities, the employer shall provide such facilities and maintain them in good working order.

(4) Employers shall instruct employees to report every injury, regardless of severity, to the employer.

(5) Stretchers.

(a) There shall be available for each vessel being worked one Stokes basket stretcher, or its equivalent, permanently equipped with bridles for attaching to the hoisting gear.

(b) Stretchers shall be kept close to vessels and shall be positioned to avoid damage to the stretcher.

(c) A blanket or other suitable covering shall be available.

(d) Stretchers shall have at least four sets of effective patient restraints in operable condition.

(e) Lifting bridles shall be of adequate strength, capable of lifting 1,000 pounds (454 kg) with a safety factor of five, and shall be maintained in operable condition. Lifting bridles shall be provided for making vertical patient lifts at container berths. Stretchers for vertical lifts shall have foot plates.

(f) Stretchers shall be maintained in operable condition. Struts and braces shall be inspected for damage. Wire mesh shall be secured and have no burrs. Damaged stretchers shall not be used until repaired.

(g) Stretchers in permanent locations shall be mounted to prevent damage and shall be protected from the elements if located out-of-doors. If concealed from view, closures shall be marked to indicate the location of the life saving equipment.

(6) Telephone or equivalent means of communication shall be readily available.

(7) Employees working on any bridge or structure leading to a detached vessel berthing installation shall wear United States Coast Guard approved personal flotation devices except where protected by railings, nets, or safety belts and lifelines.

(8) Life ladders. On all docks there shall be substantial built-in-place ladders, spaced at intervals not to exceed four hundred feet, to reach the lowest water use. When portable ladders are to be used, ladders may be bolted to the bullrail or dock structure, or ladders can be secured to an embedded eye bolt in a concrete dock surface. The immediate area where such ladders or fastenings are located shall be painted with a bright color or of a color which contrasts with the surrounding area. There shall be a ladder at each end of the dock.

**AMENDATORY SECTION** (Amending WSR 00-21-103, filed 10/18/00, effective 2/1/01)

**WAC 296-56-60243 Fuel handling and storage.** (1) Liquid fuel. ((See ~~WAC 296-24-475 through 296-24-47517.~~))

(a) Only designated persons shall conduct fueling operations.

(b) In case of spillage, filler caps shall be replaced and spillage disposed of before engines are started.

(c) Engines shall be stopped and operators shall not be on the equipment during refueling operations.

(d) Smoking and open flames shall be prohibited in areas used for fueling, fuel storage or enclosed storage of equipment containing fuel.

(e) Equipment shall be refueled only at designated locations.

(f) Liquid fuels not handled by pump shall be handled and transported only in portable containers designed for that purpose. Portable containers shall be metal, have tight closures with screw or spring covers and shall be equipped with spouts or other means to allow pouring without spilling. Leaking containers shall not be used.

(g) Flammable liquids shall only be dispensed in the open from a tank or from other vehicles equipped for delivering fuel to another vehicle if:

(i) Dispensing hoses do not exceed fifty feet (15.24 m) in length; and

(ii) Any powered dispensing nozzles are of the automatic-closing type.

(h) Liquid fuel dispensing devices shall be provided with an easily accessible and clearly identified shutoff device, such as a switch or circuit breaker, to shut off the power in an emergency.

(i) Liquid fuel dispensing devices, such as pumps, shall be mounted either on a concrete island or be otherwise protected against collision damage.

(2) Liquefied gas fuels. See WAC 296-24-475 through 296-24-47517.

(a) Fueling locations.

(i) Liquefied gas powered equipment shall be fueled only at designated locations.

(ii) Equipment with permanently mounted fuel containers shall be charged outdoors.

(iii) Equipment shall not be fueled or stored near underground entrances, elevator shafts or other places where gas or fumes might accumulate.

(b) Fuel containers.

(i) When removable fuel containers are used, the escape of fuel when containers are exchanged shall be minimized by:

(A) Automatic quick-closing couplings (closing in both directions when uncoupled) in fuel lines; or

(B) Closing fuel container valves and allowing engines to run until residual fuel is exhausted.

(ii) Pressure-relief valve openings shall be in continuous contact with the vapor space (top) of the cylinder.

(iii) Fuel containers shall be secured to prevent their being jarred loose, slipping or rotating.

(iv) Containers shall be located to prevent damage to the container. If located within a compartment, that compartment shall be vented. Containers near the engine or exhaust system shall be shielded against direct heat radiation.

(v) Container installation shall provide the container with at least the vehicle's road clearance under maximum spring deflection, measured from the bottom of the container or to the lowest fitting on the container or housing, whichever is lower.

(vi) Valves and connections shall be protected from contact damage. Permanent protection shall be provided for fittings on removable containers.

(vii) Defective containers shall be removed from service.

(c) Fueling operations. See WAC 296-24-47517.

(i) Fueling operations for liquefied gas fuels shall also comply with the requirements of subsection (1) of this section.

(ii) Using matches or flames to check for leaks is prohibited.

(iii) Containers shall be examined before recharging and again before reuse for the following:

(A) Dents, scrapes and gouges of pressure vessels;

(B) Damage to valves and liquid level gauges;

(C) Debris in relief valves;

(D) Leakage at valves or connections; and

(E) Deterioration or loss of flexible seals in filling or servicing connections.

(d) Fuel storage. See WAC 296-24-47517(6).

(i) Stored fuel containers shall be located to minimize exposure to excessive temperatures and physical damage.

(ii) Containers shall not be stored near exits, stairways or areas normally used or intended for egress.

(iii) Outlet valves of containers in storage or transport shall be closed. Relief valves shall connect with vapor spaces.

(e) Vehicle storage and servicing.

(i) Liquefied gas fueled vehicles may be stored or serviced inside garages or shops only if there are no fuel system leaks.

(ii) Liquefied gas fueled vehicles under repair shall have container shut-off valves closed unless engine operation is necessary for repairs.

(iii) Liquefied gas fueled vehicles shall not be parked near open flames, sources of ignition or unventilated open pits.

### WSR 04-05-105

#### EXPEDITED RULES

#### DEPARTMENT OF ECOLOGY

[Order 04-04—Filed February 18, 2004, 9:25 a.m.]

Title of Rule: WAC 173-26-105 Review by ecology under Part III—Election by local governments of intent to develop pursuant to Part IV.

Purpose: Repeal of WAC 173-26-105 Review by ecology under Part III—Election by local governments of intent to develop pursuant to Part IV.

Statutory Authority for Adoption: RCW 90.58.060 and 90.58.200.

Statute Being Implemented: Chapter 90.58 RCW, the Shoreline Management Act of 1971.

Summary: An oversight in the recently completed rule-making process adopting new shoreline management guidelines, incorrectly left in effect the subject section, which is no longer relevant. The subject section should have been repealed simultaneous with adoption of new guidelines, as it relates to the two distinct paths (Parts III and IV) of the old guidelines, which no longer exist.

Reasons Supporting Proposal: See Purpose and Summary above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Peter Skowlund, Olympia, Washington, (360) 407-6522.

Name of Proponent: Washington State Department of Ecology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose and Summary above.

Proposal Changes the Following Existing Rules: WAC 173-26-105 will be repealed.

#### NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD

PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Jerry Thielen, Agency Rules Coordinator, Washington Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, AND RECEIVED BY 5:00 p.m., April 20, 2004.

February 13, 2004

Polly Zehm

Interim Deputy Director

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 173-26-105 Review by ecology under Part III—Election by local governments of intent to develop pursuant to Part IV.

EXPEDITED



**WSR 04-04-043**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Disability Services Administration)  
[Filed January 29, 2004, 11:47 a.m.]

Effective Date of Rule: Thirty-one days after filing.  
January 28, 2004  
Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

Date of Adoption: January 28, 2004.

Purpose: The Division of Developmental Disabilities is amending rules in chapter 388-820 WAC to specify health and safety standards that service providers must meet to support clients in mental health crisis diversion services. The rules also specify training requirements for staff working with clients in these settings and administrative responsibilities of the contractor. The standards will ensure provision of supports to client in DDD-contracted mental health crisis diversion services that are consistent with the division's philosophy of community supports and establish standards for monitoring these services. The standard added regarding safety features is to also clarify requirements for providers regarding the health and safety of clients receiving community residential services and support services. DDD also proposes revisions to: Correct errors in rules adopted as WSR 01-22-020; clarify the language of the rules; and clarify requirements for providers. New sections adopted are WAC 388-820-053, 388-820-073, 388-820-083, 388-820-403, and 388-820-553.

Citation of Existing Rules Affected by this Order: Amending WAC 388-820-020, 388-820-030, 388-820-050, 388-820-060, 388-820-070, 388-820-090, 388-820-100, 388-820-120, 388-820-230, 388-820-260, 388-820-290, 388-820-300, 388-820-310, 388-820-320, 388-820-330, 388-820-340, 388-820-350, 388-820-400, 388-820-410, 388-820-550, 388-820-560, 388-820-600, 388-820-650, and 388-820-690.

Statutory Authority for Adoption: RCW 71A.12.030.

Other Authority: Chapter 71A.12 RCW.

Adopted under notice filed as WSR 03-21-033 on October 8, 2003.

Changes Other than Editing from Proposed to Adopted Version: In WAC 388-820-020, the definition of "(SSP) state supplemental payment" was revised to conform to the definition of the same term in chapter 388-827 WAC; and in WAC 388-820-320, a new subsection was added: "(1) Pass background check as per WAC 388-820-310," and other subsections were renumbered accordingly.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 3, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 5, Amended 21, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 5, Amended 24, Repealed 0.

AMENDATORY SECTION (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

**WAC 388-820-020 What definitions apply to this chapter?** "Agency" means an entity interested in becoming a service provider that offers residential instruction and support services to clients.

"Certification" means the determination by DSHS that an agency or service provider has satisfactorily complied with the requirements outlined in this chapter and in the department contract.

"Client" means a person who(  
 •) has a developmental disability(  
 •) and is eligible under RCW 71A.10.020(  
~~and is authorized by DDD to receive residential services outlined in this chapter~~). (For eligibility criteria, see chapter 388-825 WAC and WAC 388-820-060.)

"Client services" means instruction and support activities that benefit clients, as specified under WAC 388-820-450 through 388-820-510.

"Community alternatives program (CAP)" means a Title XIX Medicaid waiver program that serves a specific number of individuals. This waiver is for particular home- and community-based services not covered under the Medicaid state plan. (See WAC 388-825-170 for more details.)

"Community protection services" (Community Protection Intensive Supported Living Services, or CP-ISLS) means intensive supported living services provided to clients who meet the criteria of "Individual with Community Protection Issues."

"Crisis diversion services (CDS)" means DDD-authorized crisis residential services and supports offered to clients on a temporary basis. These clients show a serious decline in mental functioning, making the client at risk for psychiatric hospitalization (see WAC 388-820-050 and 388-820-085 for details).

"Crisis service plan" refers to a document that identifies needs and services a client will receive while placed in crisis diversion services.

"DDD" refers to the division of developmental disabilities at DSHS.

"DSHS" refers to the department of social and health services of Washington state.

"Exceptions" means DSHS' approval of a written request for an exception to a rule in this chapter. (There are no exceptions to RCWs.)

"Group home" means residential services provided in a dwelling that is:

(•) (1) Owned, leased, or rented by an entity other than the client;

(•) (2) Licensed by the applicable state authority; and

(•) (3) Operated by a provider.

(See WAC 388-820-090 for further details.)

"Group training home" means a certified nonprofit residential facility that provides full-time care, treatment,

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training, and maintenance for clients, as defined under RCW 71A.22.020(2).

"IFP" refers to individual financial plan. (See WAC 388-820-620.)

"IISP" refers to the individual instruction and support plan for clients. (See WAC 388-820-560 through 388-820-580.)

"Individual with community protection issues" means a client identified by DDD as needing one or more of the following criteria:

((\*) (1) The person has been convicted of or charged with a crime of sexual violence as defined in chapter 71.09 RCW, including, but not limited to, rape, statutory rape, rape of a child, and child molestation;

((\*) (2) The person has been convicted of or charged with acts directed towards strangers or individuals with whom a relationship has been established or promoted for the primary purpose of victimization;

((\*) (3) The person has been convicted of or charged with a sexually violent offense and/or predatory act, and may constitute a future danger;

((\*) (4) The person has not been convicted and/or charged, but has a history of stalking, sexually violent, predatory, and/or opportunistic behavior which demonstrates a likelihood to commit a sexually violent and/or predatory act based on current behaviors that may escalate to violence;

((\*) (5) The person has committed one or more violent crimes, such as murder, attempted murder, arson, first degree assault, kidnapping, or use of a weapon to commit a crime.

"Initial assessment" means a written evaluation that identifies a client's needs upon entry into crisis diversion services.

"Instruction" means goal-oriented teaching that is designed for acquiring and enhancing skills.

"ISP" refers to the individual service plan for clients. (See WAC 388-820-520 through 388-820-550.)

"Nursing assistant" means a person who is registered or certified by department of health under chapter 18.88A RCW. A nursing assistant performs certain nursing care tasks that are delegated by a registered nurse for a specific client in authorized settings. (See chapter 246-841 WAC for more details.)

"Regional support network (RSN)" means a county, combination of counties or other member entities under contract with DSHS mental health division (MHD). These RSNs administer all mental health service activities within their jurisdiction, using available resources. (See WAC 388-865-200 for details.)

"Reprisal" means any negative action taken as retaliation against an employee.

"Residential service" means client services offered by certified service providers.

"Secretary" means the secretary of the department of social and health services or the secretary's designee.

"Service provider" means an agency certified by and contracted with DDD to provide residential services to clients. Also refers to state operated living alternative (SOLA) program.

"Severity" means the seriousness of an incident. This is determined by the extent to which a client's physical, mental,

or psychosocial well-being is or may be compromised or threatened.

"SSP" (state supplemental payment) means DDD administered state paid cash assistance program for certain clients of DDD. (See chapter 388-827 WAC for details.)

"Support" means assistance as requested or needed by a client, based on their abilities, needs, and goals.

"Supported living" means residential services provided to clients living in their own homes, which are owned, rented, or leased by the clients or their legal representatives. (See WAC 388-820-080 for more details.)

"Trust account" means a bank account containing two or more clients' funds where the service provider has the authority to make deposits and withdrawals.

AMENDATORY SECTION (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

**WAC 388-820-030 What are residential services?** Residential (~~service is~~) services are instructions and supports provided to eligible clients by service providers to enable clients to live in their community. These may include:

- (1) Supported living services;
- (2) Group home services; or
- (3) Services provided in the group training home.

Residential services must follow the requirements outlined in this chapter.

AMENDATORY SECTION (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

**WAC 388-820-050 Where are residential services provided?** (~~Residential services may be offered by~~) (1) Service providers may offer residential services in:

- ~~((1))~~ (a) The client's own home;
- ~~((2))~~ (b) Group homes; or
- ~~((3))~~ (c) The group training home.

(2) Residential services must be located in a residential neighborhood within reasonable distance of necessary resources, unless a client chooses to live in a remote area. Resources include stores, banks, laundromats, churches, job opportunities, and other public services.

(a) Exception: Group homes certified prior to 1983 do not need to follow this requirement.

(b) Exception: Clients who receive community protection services may not need to follow this requirement.

NEW SECTION

**WAC 388-820-056 Where are crisis diversion services provided?** Crisis diversion services may be provided in either:

- (1) A single person dwelling that is maintained by the service provider; or
- (2) The client's own home.

AMENDATORY SECTION (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

**WAC 388-820-060 Who may receive residential services?** Clients (~~who~~) may receive residential services if

they are at least eighteen years old and authorized by DDD ~~((may))~~ to either:

- (1) Receive residential services outlined in this chapter;  
or  
(2) Have an agreement with the service provider to purchase residential services using SSP funds.

**AMENDATORY SECTION** (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

**WAC 388-820-070 What physical and safety requirements exist for residential services? (1) Crisis diversion service providers who offer services in a client's own home are exempt from the physical and safety requirements described in this section.**

**For clients who receive more than forty hours of residential service per month.**

~~((1))~~ (2) When clients receive more than forty hours of residential services per month, the service provider must ensure that the following physical and safety requirements are met for the client:

- (a) A safe and healthy environment;
- (b) Accessible telephone equipment;
- (c) An evacuation plan developed and practiced with the client;
- (d) An entrance and/or exit that does not rely solely upon windows, ladders, folding stairs, or trap doors;
- (e) A safe storage area for flammable and combustible materials;
- (f) Unblocked exits;
- (g) A working smoke detector, with a light-alarm for clients with hearing impairments, located close to sleeping rooms;
- (h) A flashlight or a nonelectrical light source in working condition; and
- (i) Basic first-aid supplies.

**For clients who receive forty hours or less of residential service per month.**

~~((2))~~ (3) When clients receive forty hours or less of residential services per month, at least once every six months, the service provider must ensure the following physical safety requirements are met:

- (a) A safe and healthy environment;
- (b) An entrance and/or exit that does not rely solely upon windows, ladders, folding stairs, or trap doors;
- (c) A safe storage area for flammable and combustible materials;
- (d) Unblocked exits; and
- (e) A working smoke detector, with a light-alarm for clients with hearing impairments, located close to sleeping rooms.

~~((3))~~ (4) The following supports are also offered to clients who receive forty hours or less of residential services. These clients may choose not to participate in meeting these requirements. This choice must be documented by the service provider, as per WAC 388-820-100. The supports offered include:

- (a) Accessible telephone equipment;
- (b) An evacuation plan developed and practiced with the client;

(c) A flashlight or a nonelectrical light source in working condition; and

(d) Basic first-aid supplies.

**For all clients:**

~~((4))~~ (5) The service provider must ensure that documentation is kept, showing that physical safety requirements are met. The client may independently document that these requirements are met as long as the client's IISP shows this involvement.

~~((5)) Residential services must be located in a residential neighborhood within reasonable distance of necessary resources, unless a client chooses to live in a remote area. Resources include stores, banks, laundromats, churches, job opportunities, and other public services.~~

~~(a) Exception: Group homes certified prior to 1983 may not follow this requirement.~~

~~(b) Exception: Clients who receive community protection services may not follow this requirement.)~~

#### NEW SECTION

**WAC 388-820-076 How must service providers assist clients in regulating water temperature? (1) Water temperature must be regulated by service providers for clients who receive services and supports from on-duty staff twenty-four hour a day.**

(2) Service providers must assist clients so that the water temperature in their household is maintained below one hundred and twenty degrees Fahrenheit.

(3) Service providers must check the water temperature when the client first moves into the household and at least once every six months from then on. Note: The water temperature is best measured two hours after substantial hot water usage.

(4) The service provider must document compliance with this requirement.

#### NEW SECTION

**WAC 388-820-086 What are crisis diversion services? Crisis diversion services are DDD-authorized crisis residential services and supports offered to clients on a temporary basis. DDD may offer these services to clients who show a serious decline in mental functioning that puts them at risk of psychiatric hospitalization.**

**AMENDATORY SECTION** (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

**WAC 388-820-090 What are group homes? (1) Group homes are residences that are licensed as either a boarding home or an adult family home by aging and ~~((adult))~~ disability services administration in DSHS, under chapters 388-78A and 388-76 WAC, respectively.**

(2) Group homes must have a contract with DDD.

(3) The service provider must ensure that group homes comply with all applicable licensing regulations.

~~((3))~~ (4) Group homes provide residential services to two or more clients who are unrelated to the provider.

~~((4))~~ (5) Clients who live in group homes pay costs of room and board from their own financial resources. (See WAC 388-820-120 for additional information.)

AMENDATORY SECTION (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

**WAC 388-820-100 When must a service provider document a client's refusal to participate in services?** (1) A service provider must document a client's refusal to participate in:

(a) Physical and safety requirements, as outlined in WAC 388-820-070~~((2))~~(3); and

(b) Health services under WAC 388-820-690.

(2) Documentation must include the following:

(a) A description of events relating to the client's refusal to participate in these services;

(b) A plan to inform the client of the benefits of these services;

(c) A description of the service provider's efforts to give the services to the client; and

(d) Any health or safety concerns that the refusal may pose.

(3) The service provider must review this documentation with the client at least every six months. The client or client's guardian must sign the documentation after reviewing it.

AMENDATORY SECTION (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

**WAC 388-820-120 Who pays for a client's residential services?** (1) DSHS must pay for contracted residential services provided to department-funded clients (~~(under department contract)~~). Residential services are paid at the contracted rate.

(2) DSHS must require a client to share the cost of services when mandated by federal or state statute or regulation.

(3) Clients funded through SSP may purchase services through a separate agreement with the service provider.

(4) The service provider must inform DSHS when the client requires additional supports.

(a) The service provider must submit a written request with justification for additional service hours.

(b) DSHS may approve and provide payment for additional expenses or services.

(c) The service provider must retain a copy of department ~~((approval))~~ response.

~~((4))~~ (5) For a client who is receiving group home services and support:

(a) The client must pay for cost of care or services from earnings or other financial resources. Clients receiving SSI are responsible only for the cost of room and board.

(b) DSHS may pay for these services only after a client has used his or her own financial resources.

(c) When a client's guardian or legal representative controls the client's income, estate, or trust fund, ~~((they))~~ he or she must reimburse the service provider as described in WAC 388-820-120.

~~((5))~~ (6) Clients receiving supported living services must pay for their own housing, utilities, food, clothing, and

other personal and incidental expenses from earnings and other financial resources.

AMENDATORY SECTION (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

**WAC 388-820-230 May a service provider receive provisional certification?** (1) A service provider that does not comply with ~~((a))~~ requirements of this chapter may receive provisional certification by DSHS.

(2) Provisional certification may not exceed one hundred eighty days.

(3) At the end of provisional certification:

(a) If the service provider has complied with certification requirements, DSHS may approve the service provider for regular certification.

(b) If the service provider has not complied with all certification requirements, DSHS must revoke the service provider's certification and terminate the contract.

AMENDATORY SECTION (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

**WAC 388-820-260 Must service providers' administrative documents be approved by DDD?** Service providers must have DDD approval for several types of administrative documents.

(1) Service providers must have these written statements approved by DDD:

(a) A mission statement;

(b) Program description and admission criteria;

(c) An organizational chart and description showing all supervisory relationships; and

(d) Definition of staff roles and responsibilities, including the person designated to act in the absence of the administrator.

(2) Service providers must also have these policies and procedures approved by DDD:

(a) ~~((Background checks, as required under chapter 388-146 WAC;~~

~~((b) Client confidentiality and release of information;~~

~~((c)) Client rights, ((which must include information on how to report suspected abuse, neglect, exploitation, and mistreatment;~~

~~((d)) including a client's right to file a complaint or suggestion without interference;~~

~~((b) Client grievance procedures ((including a client's right to file a complaint or suggestion without interference;~~

~~((e) Protection of client's financial interests, including management of client accounts, if applicable;~~

~~((f) Medication management, administration, and assistance;~~

~~((g));~~

((c) Information on how to report suspected abuse, neglect, exploitation, and mistreatment;

((d) Plans for responding to missing persons; client emergencies, including access to medical, mental health, and law enforcement resources; and natural or other disasters;

~~((h))~~ ((e) Notification of client's guardian and/or relatives in case of emergency; and



~~((#))~~ (f) Methods used for soliciting client input and feedback on services and support received.

**AMENDATORY SECTION** (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

**WAC 388-820-290 What staffing requirements must service providers meet?** (1) A service provider must have a designated administrator.

(2) Clients must have immediate access to staff, or the means to contact staff, at all times: Twenty-four hours a day, seven days a week.

(3) A service provider must provide adequate staff within contracted ~~((funds))~~ hours to administer the program and meet the needs of the clients.

(4) A service provider must have other staff available, as specified by the service provider's contract with DSHS.

(5) Each group home must maintain staffing that complies with:

(a) Boarding home or adult family home licensing requirements under chapter 388-78A or 388-76 WAC, respectively; and

(b) Contract requirements with the division of developmental disabilities.

**AMENDATORY SECTION** (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

**WAC 388-820-300 May clients instruct and support other clients?** (1) Clients must not be routinely involved in the unpaid instruction and support of other clients.

(2) Clients placed in crisis diversion services must not be involved in the instruction and support of other clients.

**AMENDATORY SECTION** (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

~~**WAC 388-820-310 ((Do employees and volunteers need)) Who needs background checks?** (1) ~~((Employees and volunteers must have a background check cleared by DSHS before working alone, unsupervised with clients. Employee and volunteers waiting for background checks may work with clients only if they are directly observed by staff who have a DSHS background clearance.~~~~

~~(2) An FBI check is required when an employee or volunteer has resided in the state for less than three years. Service providers must follow the requirements under WAC 388-06-0500 through 388-06-0540 for provisional hire of employees awaiting Federal Bureau of Investigation (FBI) background checks.~~

~~(3) Clearances must be obtained for each service provider where the staff person works or volunteers.~~

~~(4) Clearances must be renewed as specified by DDD))~~ Service providers must obtain background checks from DSHS for all administrators, employees, volunteers and subcontractors showing that there are no records prevent individuals from working with clients.

(2) Before administrators, employees, volunteers or subcontractors may have unsupervised access to clients, the service provider must have a background check report from DSHS. This report must indicate that the individual has no

disqualifying records that prevent him or her from working with clients.

(3) In certain situations, administrators, employees, volunteers or subcontractors must not work alone with clients unless they are directly observed by staff authorized to have unsupervised access to clients. These situations are:

(a) The service provider has not yet received a DSHS response for a background check request;

(b) DSHS has disqualified the individual based on background check information; or

(c) The individual is awaiting FBI clearance and does not have provisional clearance from their employer under WAC 388-06-0500 through 388-06-0540.

(4) Background checks must be renewed at least every thirty-six months for each administrator, employee, volunteer or subcontractor of a contracted service provider.

(5) Service providers must follow the requirements of RCW 43.43.830 and 74.15.030.

**AMENDATORY SECTION** (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

**WAC 388-820-320 What are the minimum requirements for staff employed by service providers?** Service provider staff must meet the following minimum requirements:

(1) Pass background check as per WAC 388-820-310;

(2) Exhibit job-related competency and the ability to make independent judgments;

~~((2))~~ (3) Have a high school diploma or GED equivalent, unless the employees were hired before ~~((1983))~~ September 1, 1991;

~~((3))~~ (4) Be at least eighteen years of age when employed as a direct care staff, or at least twenty-one years of age when employed as an administrator; and

~~((4))~~ (5) Treat ~~((a client))~~ clients with dignity and consideration, respecting the ~~((client's))~~ clients' civil and human rights at all times.

**AMENDATORY SECTION** (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

**WAC 388-820-330 What staff training is required?** The service provider must give specific training to staff. Within the first six months, staff must receive a minimum of thirty-two total hours of training that meet the following requirements.

(1) Before the employee works alone with clients, the service provider must explain the following to the employee:

(a) The current instruction and support ~~((plan for the employee's))~~ plans of the clients with whom the employee works;

(b) Emergency procedures for clients;

(c) The DSHS-approved policy on abuse and neglect; and

(d) Client confidentiality.

(2) Within the first four weeks of employing a staff person, the service provider must provide training that includes:

(a) The service provider's mission statement;

(b) Policies and procedures; and

(c) On-the-job training.

(3) Additional training within the first six months must include:

- (a) First aid/CPR;
- (b) ~~((Bloodborne))~~ Blood-borne pathogens with HIV/AIDS information; and
- (c) Client services.

(4) Each employee must keep first aid/CPR certification and ~~((bloodborne))~~ blood-borne pathogens training current.

(5) The service provider must document orientation and training activities.

(6) Group homes must also meet the training requirements mandated by the licensing requirements specified ~~((by DSHS))~~ in chapter 388-78A WAC.

AMENDATORY SECTION (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

**WAC 388-820-340 How often must performance reviews be conducted for staff of service providers?** (1) Written performance reviews for staff of residential service providers must be conducted at least ~~((annually))~~ every twenty-four months and kept on file.

(2) If the service provider is a nonprofit organization, ~~((administrators must be evaluated annually by their supervisor or by))~~ the organization's governing board, must give written performance reviews for administrators every twenty-four months.

(3) If the service provider is a for-profit organization, owners are not required to have performance reviews.

(4) If the service provider is a governmental agency, administrators are evaluated by their supervisor.

AMENDATORY SECTION (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

**WAC 388-820-350 When must service providers have staff-coverage schedules approved by DDD?** (1) DDD must approve staff-coverage schedules for those service providers who have on-duty staff twenty-four hours a day.

(2) The staff-coverage schedules must be approved at the following times:

- (a) Before certification review takes place;
- (b) When household configuration changes affect ~~((funding, and))~~ staff coverage; or
- (c) When additional staffing is requested.

(3) Staff-coverage schedules may be requested by DDD at any time.

(4) Each service provider must retain copies of the approved staff-coverage schedules.

AMENDATORY SECTION (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

**WAC 388-820-400 What information do service providers need to keep in client records?** ~~((A))~~ (1) Crisis diversion service providers are exempt from the client record requirements specified in this section. Instead, they must follow requirements outlined in WAC 388-820-405.

(2) Service ~~((provider needs to))~~ providers must keep certain information in client records to fulfill DSHS require-

ments. The client's records must include, but not be limited to, the following:

~~((1))~~ (a) The client's name, address, and Social Security number.

~~((2))~~ (b) The name, address, and telephone number of the client's relative, guardian or legal representative.

~~((3))~~ (c) Copies of legal guardianship papers, if any.

~~((4))~~ (d) Client health records, including:

~~((a))~~ (i) The name, address, and telephone number of the client's physician, dentist, mental health service provider, and any other health care service provider;

~~((b))~~ (ii) Health care service providers' instructions about health care needed, including appointment dates and date of next appointment if appropriate;

~~((c))~~ (iii) Written documentation that the health care service providers' instructions have been followed; and

~~((d))~~ (iv) A record of major health events and surgeries when known.

~~((5))~~ (e) A copy of the client's individual service plan (ISP).

~~((6))~~ (f) The client's individual instruction and support plan (IISP), including:

~~((a))~~ (i) Instruction and support activities for each client as a basis for review and evaluation of client's progress;

~~((b))~~ (ii) Semiannual review of the IISP;

~~((c))~~ (iii) Consultation with other service providers and other interested persons;

~~((d))~~ (iv) IISP revisions and changes; and

~~((e))~~ (v) Other activities relevant to the client that the client wants included.

~~((7))~~ (g) Progress notes and incident reports on clients.

~~((8))~~ (h) The client's financial records for funds managed by the service provider, including:

~~((a))~~ (i) Receipts, ledgers and records of the client's financial transactions; and

~~((b))~~ (ii) Client's related bankbooks, checkbooks, bank registers, tax records and bank statements.

~~((9))~~ (i) Burial plans and wills.

#### NEW SECTION

**WAC 388-820-405 What information do crisis diversion service providers need to keep in client records?** (1) All crisis diversion service providers must keep the following information in client records:

(a) The client's name, address, and Social Security number.

(b) The name, address, and telephone number of the client's relative, guardian or legal representative.

(c) Progress notes and incident reports on clients.

(2) Crisis diversion service providers other than those offering services in a client's own home have additional requirements. These service providers also must keep the following information in client records:

(a) An initial assessment;

(b) An crisis service plan;

(c) Copies of legal guardianship papers, if any;

(d) Client health records, including:

(i) The name, address, and telephone number of the client's physician, dentist, mental health service provider, and any other health care service provider;

(ii) Health care service providers' instructions about health care needed, including appointment dates and date of next appointment if appropriate;

(iii) Written documentation that the health care service providers' instructions have been followed; and

(iv) A record of major health events and surgeries when known.

**AMENDATORY SECTION** (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

**WAC 388-820-410 Do service providers need to keep client's property records? (1) Crisis diversion service providers who offer services in a client's own home are exempt from requirements in this section.**

(2) The service provider must assist clients in maintaining current, written property records when the clients receive forty hours or more a month of services. The record consists of:

((1)) (a) A list of items with a value of at least twenty-five dollars that the client owns when moving into the program;

((2)) (b) A list of personal possessions with a value of seventy-five dollars or more per item once the client is receiving services;

((3)) (c) Description and identifying numbers, if any, of the property;

((4)) (d) The date the client purchased the items after moving into the program;

((5)) (e) The date and reason for addition or removal from the record; and

((6)) (f) The signature of the staff or client making the entry.

**AMENDATORY SECTION** (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

**WAC 388-820-550 How often must the ISP be reviewed?** (1) The DDD case resource manager must review the ISP with the client at least every twelve months.

(2) In addition, an ISP meeting must be held and a new ISP developed with the client at least every two years, under RCW 71A.18.010. The meeting must be held in the client's home unless requested otherwise by the client.

(3) A client may request a review of the ISP at any time.

#### **NEW SECTION**

**WAC 388-820-555 What plans must crisis diversion service providers develop?** Crisis diversion service providers must develop the following plans for each client they support:

(1) An initial assessment plan within forty-eight hours of placement; and

(2) A crisis service plan within seven days of placement.

**AMENDATORY SECTION** (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

**WAC 388-820-560 What is an individual instruction and support plan (IISP) for clients?** (1) An individual instruction and support plan (IISP) outlines the specific ~~((requirements))~~ goals for carrying out the residential services portion outlined in the individual service plan (ISP). The IISP also must describe the methods of instruction and/or support needed to reach the client's goal.

(2) The IISP must be based on the goals of the individual service plan (ISP), reflect the client's preferences, and have the client's agreement.

(3) The IISP identifies activities and opportunities that promote one or more of the following client services:

(a) Health and safety;

(b) Personal power and choice;

(c) Positive recognition by self and others;

(d) Integration in the physical and social life of the community;

(e) Positive relationships; and

(f) Competence and self-reliance.

**AMENDATORY SECTION** (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

**WAC 388-820-600 May a service provider hold bankbooks and bankcards for a client?** Clients may ask a service provider to hold their bankbooks and bankcards while still having access to their own funds. This must be documented in the client's ~~((individual instruction and support plan (IISP)))~~ record and updated annually.

Note: In this situation, service providers are not necessarily considered managers of the client's funds.

**AMENDATORY SECTION** (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

**WAC 388-820-650 What documentation must service providers keep to protect a client's financial interests?** Service providers must keep certain documentation for the part of funds they manage for clients. This protects clients' financial interests.

(1) Documentation for bank and cash accounts must include monthly reconciliation of bank and cash accounts that are verified and initialed by a second party who did not make or assist in the transaction.

(2) Other documentation that a service provider must keep for client **financial** transactions include:

(a) Monthly bank statements and reconciliation;

(b) Checkbook registers and bankbooks;

(c) Deposit receipts;

(d) Receipts for purchases over twenty-five dollars ~~((or as specified in the financial plan))~~;

(e) Any itemized subsidiary ledgers showing deposits, withdrawals, and interest payments to individual clients; and

(f) A control journal for trust accounts.

(3) Other documentation that a service provider must keep for client **cash** transactions include:

(a) A detailed ledger signed by the person who withdrew any of the client's money;

(b) Monthly reconciliation to the cash amount;

(c) Detailed accounting of the money received on behalf of the client, such as cash received from writing checks over the purchase amount, and a list of where the money was spent; and

(d) Receipts for purchases over twenty-five dollars where service provider staff withdrew the money.

(4) Service providers must notify DSHS when the client:

(a) Receives services under a CAP (community alternative program) waiver; and

(b) Has an account that reaches three hundred dollars less than the maximum amount allowed by federal or state law.

Note: CAP-waiver is defined under WAC 388-825-170.

**AMENDATORY SECTION** (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

**WAC 388-820-690 What must service providers do to support a client's health?** (1) The service provider must give necessary assistance to the client in:

(a) Accessing health, mental health, and dental services; and

(b) Medication management, administration and assistance.

(2) For clients who receive an average of thirty hours or more of service per month or are placed in the diversion services, the service provider must:

(a) Maintain health records;

(b) Assist the client in arranging appointments with health professionals;

(c) Monitor medical treatment prescribed by health professionals;

(d) Communicate directly with health professionals when needed; and

(e) Ensure that the client receives an annual physical and dental examination unless the appropriate medical professional gives a written exception. Crisis diversion service providers are exempt from this requirement.

**WSR 04-05-001**

**PERMANENT RULES**

**COUNTY ROAD**

**ADMINISTRATION BOARD**

[Filed February 4, 2004, 12:27 p.m.]

Date of Adoption: January 10 [15], 2004.

Purpose: WAC 136-130-040, 136-130-060, and 136-130-070 have been amended to better define prioritization in the rural arterial program regions. WAC 136-28-010 has been amended to reflect an update of a name change of a national organization.

Citation of Existing Rules Affected by this Order: Amending WAC 136-130-040, 136-130-060, 136-130-070, and 136-28-010.

Statutory Authority for Adoption: Chapter 36.79 RCW.

Adopted under notice filed as WSR 03-21-135 on October 21, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

February 3, 2004

Jay P. Weber

Executive Director

**AMENDATORY SECTION** (Amending WSR 01-09-077, filed 4/17/01, effective 5/18/01)

**WAC 136-130-040 Project prioritization in northwest region (NWR).** Each county in the NWR may submit projects requesting RATA funds not to exceed five hundred thousand dollars per project, except that on one project for each county there is a maximum RATA contribution of seven hundred fifty thousand dollars; and ((fifty)) forty percent of the forecasted regional apportionment. No bridge replacement projects will be funded. Each project shall be rated in accordance with the NWR RAP reconstruction or 3R rating procedures. NWR RAP reconstruction rating points shall be assigned on the basis of forty points for structural condition, forty points for geometrics, ten points for traffic volume, ten points for traffic accidents, five points for any project on a major collector (07), and ten points for any project on a rural principal arterial (02) or a rural minor arterial (06). Prioritization of NWR projects shall be on the basis of total NWR RAP rating points shown on the project worksheet and the prospectus form of the project application.

NWR RAP 3R rating points shall be assigned on the basis of thirty points for structural condition, twenty points for geometrics, ten points for traffic volume, ten points for traffic accidents, ten points for any project on a minor collector (08), and thirty points for 3R safety. Prioritization of NWR 3R projects shall be on the basis of total NWR 3R RAP rating points shown on the project worksheet and the prospectus form of the project application.

A total of twenty points representing local significance may be added to one project in each county's biennial submittal.

**AMENDATORY SECTION** (Amending WSR 01-05-009, filed 2/8/01, effective 3/11/01)

**WAC 136-130-060 Project prioritization in southeast region (SER).** Each county in the SER may submit projects requesting RATA funds not to exceed twice the per county

limit of the forecasted SER biennial apportionment which is listed as follows:

Asotin County	ten percent
Benton County	fourteen percent
Columbia County	eleven percent
Franklin County	thirteen percent
Garfield County	ten percent
Kittitas County	thirteen percent
Klickitat County	fourteen percent
Walla Walla County	fourteen percent
Yakima County	twenty percent

Each project shall be rated in accordance with the SER RAP bridge, reconstruction or 3R rating procedures. Ten percent of the forecasted SER biennial apportionment shall be reserved for bridge projects. Federally funded bridges for which counties are seeking matching funds shall receive first consideration for these funds, ranked against each other according to the WSDOT priority array. Bridges receiving federal funding may be added to this list at any time during the biennium. Stand-alone bridges may compete for funds in this reserve that remain after all bridges seeking match for federal funds have been funded. These bridges will be rated against each other according to their total points assigned from the RAP Rating Worksheets for the SER. Whatever part of the bridge reserve that is not allocated to bridge projects shall be available for allocation to other RAP projects.

SER RAP reconstruction rating points shall be assigned on the basis of forty-five points for structural condition, thirty points for geometrics, twenty-two points for traffic volume, five points for traffic accidents.

SER RAP 3R rating points shall be assigned on the basis of twenty points for structural condition, twenty-five points for geometrics, twelve points for traffic volume, ten points for traffic accidents, twenty-five points for roadside safety, and ten points for intersection operation.

A total of twenty points representing local significance may be added to one project in each county's biennial submittal. Prioritization of SER projects shall be on the basis of total SER RAP bridge, reconstruction or 3R rating points shown on the project worksheet and the prospectus form of the project application.

**AMENDATORY SECTION** (Amending WSR 02-11-008, filed 5/2/02, effective 6/2/02)

**WAC 136-130-070 Project prioritization in southwest region (SWR).** Each county in the SWR may submit projects requesting RATA funds not to exceed thirty percent of the forecasted SWR biennial apportionment. No bridge replacement projects will be funded. Each project shall be rated in accordance with the SWR RAP reconstruction or 3R rating procedures. SWR RAP reconstruction rating points shall be assigned on the basis of fifty road condition points, consisting of twenty-five points for structural condition and twenty-five points for surface condition, fifty points for geometrics, ten points for traffic volume and ten points for traffic accidents, except that portland cement concrete surfaces and

asphalt surfaces with cement concrete bases shall have fifty points for road surface condition and no points for structural condition and except that gravel roads shall have fifty points maximum for surface condition, and fifteen points maximum for roadbed width in geometrics and no other geometric points. SWR RAP 3R rating points shall be assigned on the basis of thirty road condition points, consisting of fifteen points for structural condition and fifteen points for surface condition, twenty points for geometrics, ten points for traffic volume, ten points for traffic accidents and thirty points for 3R safety, except that portland cement concrete surfaces and asphalt surfaces with cement concrete bases shall have thirty points for road surface condition and no points for structural condition and except that gravel roads shall have thirty points maximum for surface condition, and fifteen points maximum for roadbed width in geometrics and no other geometric points. Prioritization of SWR projects shall be on the basis of total SWR RAP rating points shown on the project worksheets and the prospectus form of the project application.

**AMENDATORY SECTION** (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

**WAC 136-28-010 Purpose and authority.** RCW 36.78.070(1) authorizes the county road administration board to establish standards of good practice for the administration of county roads and the efficient movement of people and goods over county roads. In order to implement the requirement of the National Highway Safety Act of 1966 that requires all states, in cooperation with their various local governments, to collect, compile and make reports to the National Highway Traffic Safety (~~Bureau of Accident Statistics~~) Administration in each state, the county road administration board has acted to coordinate the activities of the county engineers and the state patrol. Each county engineer is to cooperate in this effort by following the procedure outlined below.

**WSR 04-05-004**  
**PERMANENT RULES**  
**DEPARTMENT OF HEALTH**  
 (Board of Optometry)  
 [Filed February 5, 2004, 4:02 p.m.]

Date of Adoption: January 28, 2004.

Purpose: In response to 2003 legislation, optometrists may be certified to use or prescribe oral medications, and/or administer epinephrine to patients in the event of anaphylactic shock. These rules describe the required training.

Statutory Authority for Adoption: Chapter 142, Laws of 2003.

Other Authority: RCW 18.54.072(2).

Adopted under notice filed as WSR 04-01-201 on December 24, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 2, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 2, Amended 0, Repealed 0.

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

January 28, 2004

R. Richard Ryan, Jr., O.D.  
Chair, Board of Optometry

### NEW SECTION

**WAC 246-851-570 Certification required for use or prescription of drugs administered orally for diagnostic or therapeutic purposes.** (1) To qualify for certification to use or prescribe drugs administered orally for diagnostic or therapeutic purposes, licensed optometrists must provide documentation that he or she:

(a) Are certified under RCW 18.53.010 (2)(b) to use or prescribe topical drugs for diagnostic and therapeutic purposes.

(b) Have successfully completed a minimum of sixteen hours of didactic and eight hours of supervised clinical instruction from an institution of higher learning, accredited by those agencies recognized by the United States Office of Education or the Council on Postsecondary Accreditation.

(2) The didactic instruction must include a minimum of sixteen hours in the following subject area:

- (a) Basic principles of systemic drug therapy;
- (b) Side effects, adverse reactions and drug interactions in systemic therapy;
- (c) Review of oral pharmaceuticals:
  - (i) Prescription writing;
  - (ii) Legal regulations in oral prescription writing;
  - (iii) Systemic antibacterials in primary eye care;
  - (iv) Systemic antivirals in eye care;
  - (v) Systemic antifungal in eye care;
  - (vi) Systemic antihistamines and decongestants and their uses in eye care;
  - (vii) Oral dry eye agents;
  - (viii) Anti-emetics and their use in eye care;
  - (ix) Systemic diuretics and their management of elevated IOP;
  - (x) Systemic epinephrine;
- (d) Review of systemic medication in ocular pain management:
  - (i) Legal regulations with scheduled medication;
  - (ii) Systemic nonsteroidal anti-inflammatory drugs (NSAIDs);
  - (iii) Systemic noncontrolled analgesics;
  - (iv) Systemic controlled substances;
  - (e) Review of oral medications used for sedation and anti-anxiety properties in eye care:
    - (i) Controlled anti-anxiety/sedative substances;

(ii) Legal ramifications of prescribing anti-anxiety drugs;

(f) Review of systemic medications used during pregnancy and in pediatric eye care:

- (i) Legal ramifications in prescribing to this population;
- (ii) Dosage equivalent with pregnancy and pediatrics;
- (iii) Medications to avoid with pregnancy and pediatrics;
- (g) Applied systemic pharmacology:
  - (i) Eyelid and adnexal tissue;
  - (ii) Lacrimal system and peri-orbital sinuses;
  - (iii) Conjunctival and corneal disorders;
  - (iv) Iris and anterior chamber disorders;
  - (v) Posterior segment disorders;
  - (vi) Optic nerve disease;
  - (vii) Peripheral vascular disease and its relationship with ocular disease;
  - (viii) Atherosclerotic disease;
  - (ix) Other/course review.
- (3) The supervised clinical instruction must include at least eight hours in the following subject areas:
  - (a) Vital signs;
  - (b) Auscultation;
  - (c) Ear, nose and throat;
  - (d) Screening neurological exam.
  - (4) Written examination to cover required curriculum.

### NEW SECTION

**WAC 246-851-600 Certification required for administration of epinephrine by injection for treatment of anaphylactic shock.** (1) To qualify for certification to administer epinephrine by injection for anaphylactic shock, licensed optometrists must provide documentation that he or she:

(a) Are certified under RCW 18.53.010 (2)(b) to use or prescribe topical drugs for diagnostic and therapeutic purposes.

(b) Have successfully completed a minimum of four hours of didactic and supervised clinical instruction from an institution of higher learning, accredited by those agencies recognized by the United States Office of Education or the Council on Postsecondary Accreditation to qualify for certification by the optometry board to administer epinephrine by injection.

(2) The didactic instruction must include the following subject area:

- (a) Review of urgencies, emergencies and emergency-use agents;
- (b) Ocular urgencies:
  - (i) Thermal burns-direct and photosensitivity-based ultraviolet burn;
  - (ii) Electrical injury;
  - (iii) Cryo-injury and frostbite;
  - (iv) Insect stings and bites;
  - (v) Punctures, perforations, and lacerations;
- (c) General urgencies and emergencies:
  - (i) Anaphylaxis;
  - (ii) Hypoglycemic crisis;
  - (iii) Narcotic overdose.
- (3) The supervised clinical instruction must include the following subject areas:

- (a) Instrumentation;
  - (b) Informed consent;
  - (c) Preparation (patient and equipment);
  - (d) All routes of injections.
- (4) With the exception of the administration of epinephrine by injection for treatment of anaphylactic shock, no injections or infusions may be administered by an optometrist.

**WSR 04-05-005**  
**PERMANENT RULES**  
**DEPARTMENT OF LICENSING**  
 [Filed February 6, 2004, 10:05 a.m.]

Date of Adoption: February 6, 2004.

Purpose: To amend current rules in chapter 308-20 WAC, Cosmetologists, barbers, manicurists, and estheticians, that need further written clarification as per the governor's directive on state rules review. To provide licensing requirements for individuals graduating from the apprenticeship program and requirements of salon/shops and apprentice trainers who will provide training to apprentices.

Citation of Existing Rules Affected by this Order: Amending WAC 308-20-010 Definitions, 308-20-040 Records, 308-20-090 Student credit for training in a licensed school, 308-20-110 Minimum safety and sanitation standards for schools, cosmetologists, manicurists, estheticians, barbers, instructors, salons/shops, mobile units, and personal services, and 308-20-550 Posting of required licenses, registrations, permits, and notice to consumers; and adding new sections WAC 308-20-055 Apprentice records, 308-20-101 Apprentice credit for training in an approved apprentice salon/shop, and 308-20-555 Identification of apprentices and apprentice salon/shops.

Statutory Authority for Adoption: RCW 18.16.030, 18.16.280, 43.24.023.

Adopted under notice filed as WSR 04-01-191 on December 23, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 3, Amended 5, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 3, Amended 5, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 3, Amended 5, Repealed 0.

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

February 6, 2004  
 Trudie Touchette  
 Administrator

AMENDATORY SECTION (Amending WSR 03-14-046, filed 6/24/03, effective 7/25/03)

**WAC 308-20-010 Definitions.** (1) "Chemical compounds formulated for professional use only" are those compounds containing hazardous chemicals in a form not generally sold to the public; including but not limited to, bulk concentrates of permanent wave solution, neutralizers, chemical relaxers, oxidizing agents, flammable substances, facial creams, or approved chemical compounds. These compounds must be designated for use on the hair, face, neck, skin, or scalp.

(2) "Monthly student report" are forms provided by the school, approved by the department, preprinted with the school name. The report must include the daily activities of the student in each subject, (i.e., number of shampoos, haircuts, perms, colors, etc.) within each course (i.e., barbering, manicuring, cosmetology, esthetics, or instructor-trainee).

(3) "Completed and graduated" is the completion of the school curriculum and the state approved minimum hourly course of training.

(4) "Apprentice salon/shop" is a location certified by the advisory committee that provides training for individuals accepted into the apprenticeship program. Apprentice salon/shops shall not receive payment from the apprentice for training.

(5) "Apprentice trainer" is a person that is currently licensed and in good standing. This person provides training in a licensed shop approved for the apprenticeship program, who must have received Journey Level training and have held a license in the curriculum for which he or she is providing training for a minimum of three years.

(6) "Completion of the apprenticeship program" is the completion of the apprentice salon/shop curriculum that includes the state approved hourly course of training as described in WAC 308-20-080 and the in-classroom theory training from a school licensed with the department of licensing.

(7) "Monthly apprentice report" forms provided by the apprentice shop, approved by the department, printed with the shop name, for use in recording apprentice training hours and activities.

AMENDATORY SECTION (Amending WSR 03-14-046, filed 6/24/03, effective 7/25/03)

**WAC 308-20-040 Student records.** (1) Schools shall collect and record monthly and final student reports. These reports as described in WAC 308-20-010 shall contain the cumulative number of hours the student has attended class and the number of times the student performs an activity as described in WAC 308-20-080. The hours attended shall not be recorded in less than one-quarter hour increments.

(2) Monthly and final student reports shall be signed by either the school owner, school manager or a person the school has authorized to sign the student reports.

(3) The school shall certify to the department that the student has satisfied the minimum instruction guidelines described in WAC 308-20-080 on the student's license examination application. Certification shall be by a person autho-

rized to sign student reports according to subsection (2) of this section.

(4) Schools shall maintain student records for at least three years. The student records shall include documentation of student training.

(5) The school shall notify the department of the persons authorized to sign student records.

(6) Weekly reports provided by salon/shops verifying hours student earns in salon training must be included in student's records and recorded on student's monthly and final reports.

#### NEW SECTION

**WAC 308-20-055 Apprentice records.** (1) Apprentice salon/shops shall collect and record monthly and final apprentice training records. Copies of each apprentice's records shall be forwarded to the apprenticeship program. The records shall contain the cumulative number of hours the apprentice has earned in each area of the minimum instruction guidelines and the number of times an apprentice performs an activity.

(2) Monthly and final apprentice records shall be signed by the trainer and shop owner. The apprentice salon/shop shall notify the department of persons authorized to sign the apprentice's records on forms provided by the department.

(3) The apprenticeship program shall certify to the department on forms provided by the department that the apprentice has satisfied the minimum number of training hours required in the standards of the apprenticeship program which must include the minimum instruction requirements for cosmetology, barbering, manicuring and esthetics training as described in WAC 308-20-080.

(4) The apprentice records shall be maintained by the shop during the training and by the apprenticeship program for three years once training is completed. The apprentice records shall include documentation of apprentice training.

**AMENDATORY SECTION** (Amending WSR 03-14-046, filed 6/24/03, effective 7/25/03)

**WAC 308-20-090 Student credit for training in a licensed school.** (1) A maximum of twenty students per instructor is required within a licensed school.

(2) Only those hours of instruction a student is given under the direction of a licensed instructor of the licensed school in which the student is enrolled and in the courses listed in WAC 308-20-080 and ~~((308-20-105))~~ 308-20-105 or hours earned under WAC 308-20-091 shall be credited toward completion of the course of study required in RCW 18.16.100.

(3) When all of a school's requirements have been met by a student and within thirty days of a student leaving a school, the school shall provide to the student a copy of the student's final report.

(4) Students may transfer between the schools and apprenticeship salon/shops and may receive credit toward completion of the curriculum in the new school or apprenticeship salon/shop. In order to receive a transfer student or apprentice, the new school or apprentice salon/shop shall do the following:

(a) Evaluate the certified final student report provided by the student or apprentice and ~~((certified by the previous school and))~~ compare the report ~~((from))~~ with the ~~((previous school with the new school's))~~ new or apprentice salon/shop requirements;

~~((Accept the final student report from the previous school, in part or in total as if it was instruction meeting the new school's curriculum and prepare a monthly report that documents the amount of instruction being accepted by the new school; or~~

~~((Reject the final student report from the previous school.))~~ The school or apprentice salon/shop may accept or reject the final student or apprentice report in part or in total from the previous school or salon/shop and prepare a monthly report that documents the amount of instructions being accepted.

(5) Both the transferring and receiving school((s)) or salon/shop shall maintain student records including the transfer record as required in WAC 308-20-040(4).

(6) Licensed instructors must be physically present where the students are training.

#### NEW SECTION

**WAC 308-20-101 Apprentice credit for training in an approved apprentice salon/shop.** (1) A minimum of one trainer per apprentice is required.

(2) Only the hours of instruction an apprentice is given under the direction of a trainer as defined in WAC 308-20-010 and in the standards developed by the apprenticeship program shall be credited toward completion of the apprenticeship training.

(3) Theory hours must be taught in a licensed school by a licensed instructor.

(4) When all of the apprenticeship program requirements have been met by the apprentice and within thirty days of an apprentice's completed training, the committee shall provide to the apprentice a copy of the apprentice's final report.

(5) An apprentice may transfer between shops only when the committee approves the transfer.

(6) Apprentice trainers must be physically present where apprentices are training.

**AMENDATORY SECTION** (Amending WSR 03-14-046, filed 6/24/03, effective 7/25/03)

**WAC 308-20-110 Minimum safety and sanitation standards for schools, cosmetologists, manicurists, estheticians, barbers, instructors, salons/shops, mobile units and personal services.** In addition to the requirements of RCW 18.16.175, every licensee shall maintain the following safety and sanitation standards:

(1) **Safety shall be maintained as follows:**

(a) A separate area with hot and cold running water shall be designated for use in dispensing and mixing chemicals and disinfecting supplies, tools, equipment, and other materials;

(b) All containers must be clearly labeled;

(c) All chemicals must be stored and labeled according to manufacturer's instructions;



(d) Disinfected supplies, tools, equipment and other material shall be stored separately from those that have been used;

(e) First-aid supplies shall be available; ~~((and))~~

(f) Licensees shall not work on clients with parasites, open wounds, or signs of infection; and

(g) School instructors and apprentice trainers shall not allow persons training in a school or apprentice salon/shop to work on clients with parasites, open wounds, or signs of infection.

(2) **Sanitation shall be maintained as follows:**

(a) Floors, walls, fixtures, work stations and ceilings shall be clean and free from dust, dirt and hair;

(b) Hair shall be removed from the floor after each service; and

(c) Waste receptacles shall be emptied and disinfected daily.

(d) Disposable products shall be placed in a waste receptacle;

(e) Creams and lotions shall be dispensed using a disposable, or sanitized applicator, and fluids shall be dispensed with a squeeze bottle or pump;

(f) Use clean towel, new neck strip ~~((or))~~ and other sanitized supplies for each client;

(g) Clean reusable supplies and implements with a disinfectant after each use; and

(h) Wash hands with single-use soap and disposable hand-drying towels after toilet use and before providing service to each client.

**AMENDATORY SECTION** (Amending WSR 03-14-046, filed 6/24/03, effective 7/25/03)

**WAC 308-20-550 Posting of required licenses, registrations, permits, and notice to consumers.** (1) Licenses ~~((and))~~, the consumer notice required by chapter 18.16 RCW, and the apprentice salon/shop notice as defined in WAC 308-20-555 shall be posted in direct public view.

(2) Original operator licenses with an attached current photograph shall be posted in clear view of clients in the operator's work station.

(3) School, instructor, salon/shop, and mobile unit licenses shall be displayed in the reception area.

(4) Personal services shall display their licenses and consumer notice in direct view of their client.

(5) A pocket identification card may not be used in lieu of an original license.

(6) No license which has expired or become invalid for any reason shall be displayed by any operator, instructor, or business in connection with the practice of cosmetology, barbering, esthetics, or manicuring. Any license so displayed shall be surrendered to a department representative upon its request.

(7) Licenses issued by another state, territory, or foreign country shall not be displayed in any salon/shop.

(8) A receipt, issued by the department of licensing, showing the application for a duplicate license may be used if the original has been lost, stolen, or otherwise destroyed until the duplicate license is received.

## NEW SECTION

**WAC 308-20-555 Identification of apprentices and apprentice salon/shops.** (1) Salon shops must post notice to customers of participation in the apprenticeship program. At a minimum the notice shall state "This shop is a participant in a state approved apprenticeship program. Apprentices in this program are in training and have not yet received a license."

(2) Apprentices must wear identification visible to the public that states they are participants in the apprenticeship program.

**WSR 04-05-010**

**PERMANENT RULES**

**DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed February 6, 2004, 4:30 p.m.]

Date of Adoption: February 3, 2004.

Purpose: Numerous typographical errors and obsolete cross-reference have been identified in WAC and must be corrected.

Reasons Supporting Proposal: Use of cross-references in WAC is necessary to accurately determine eligibility and benefit levels.

The Department has withdrawn proposed WAC 388-450-0005 from rules proposed as WSR 04-02-058. The rule will be revised and repropose at a later date.

Citation of Existing Rules Affected by this Order: Amending WAC 388-310-1500, 388-310-2000, 388-410-0001, 388-436-0040, 388-440-0001, 388-444-0055, 388-450-0165, 388-466-0130, 388-478-0005, and 388-484-0005.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057.

Adopted under notice filed as WSR 03-23-112 on November 18, 2003, and continued as WSR 04-02-058 on January 6, 2004.

Changes Other than Editing from Proposed to Adopted Version: The department has withdrawn proposed WAC 388-450-0005 from rules proposed as WSR 03-23-112. The rule will be revised and repropose at a later date.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 10, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 10, Repealed 0.

PERMANENT

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

February 3, 2004

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 04-06 issue of the Register.

**WSR 04-05-011**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Medical Assistance Administration)  
[Filed February 6, 2004, 4:34 p.m.]

Date of Adoption: February 3, 2004.

Purpose: Implementing regulatory improvement under Executive Order 97-02.

These rules are being amended to identify which Medical Assistance Administration (MAA) clients are eligible for family planning services; to state what family planning services will be available to the eligible clients; how the services will be delivered and how the service providers will be paid. New WAC sections adopted: WAC 388-532-001, 388-532-110, 388-532-120, 388-532-130, 388-532-140, 388-532-500, 388-532-510, 388-532-520, 388-532-530, 388-532-540, and 388-532-550.

Citation of Existing Rules Affected by this Order: Amending WAC 388-532-050 and 388-532-100.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520, 74.09.800.

Adopted under notice filed as WSR 03-12-067 on June 2, 2003 and WSR 03-18-108 on September 2, 2003.

Changes Other than Editing from Proposed to Adopted Version: The following changes, other than editing changes, have been made to the rules as proposed (additions indicated by underlined text, deletions indicated by ~~strikethrough text~~):

**AMENDED SECTIONS**

**WAC 388-532-050**

1. "... ~~Defined words and phrases are bolded when they first appear in the text.~~"

2. "**Family planning only program**" means the program providing an additional ten months of family planning services to eligible woman [women] who have just ended a pregnancy or completed a delivery. This benefit follows the sixty-day postpartum coverage for women who received medical benefits during the pregnancy.

**WAC 388-532-100(1)**

3. (d) **TAKE CHARGE:**

(d) (e) General assistance unemployable (GAU) No out-of-state care; and

(e) (f) Limited casualty program-medically needy program (LCP-MNP).

**WAC 388-532-100(2)**

4. "Healthy Options enrollees may self-refer outside their plan (HMO) or primary care case management for family planning services to:..."

**NEW SECTIONS**

**WAC 388-532-110(2)**

5. "Family planning ~~elinie~~ providers must:..."

**WAC 388-532-130**

6. (1) The following are not considered family planning services and are not covered under this chapter.

(1a) Infertility treatment services;

(2b) Abortions;

(3c) Mammograms;

(4d) Menopausal treatment services;

(5e) Cancer screenings (except for pap smears or other similar screenings as identified in published billing instructions for Family Planning Services); and

(6f) All other reproductive health care, health care services or primary care services and prenatal care services.

(2) See chapter 388-530 WAC, Pharmacy services and chapter 388-531 WAC, Physician-related services for coverage of items and services not provided under this chapter.

**WAC 388-532-500**

7. "...This benefit follows the sixty-day postpartum coverage for women who received medical benefits ~~for~~ during the pregnancy..."

**WAC 388-532-510**

8. "A woman is eligible for family planning only (FPO) services if:..."

**WAC 388-532-520**

9. "In order to be reimbursed by MAA for family planning only services:..."

**WAC 388-532-520(2)**

10. "Family planning ~~elinie~~ providers must..."

**WAC 388-532-520 (2)(a)**

11. "Meet the requirements in chapter 388-502 WAC; and..."

**WAC 388-532-530**

12. "The following family planning only services are provided under this program:..."

**WAC 388-532-550(2)**

13. "Except as noted in subsection (3) of this section, MAA reimburses providers for covered family planning only services using MAA's published fee schedules."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 11, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 11, Amended 2, Repealed 0.

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

February 3, 2004

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

## FAMILY PLANNING SERVICES

### NEW SECTION

**WAC 388-532-001 Purpose.** The department of social and health services (DSHS) informs eligible clients about available family planning services. This chapter contains the medical assistance administration's (MAA) rules for family planning services.

**AMENDATORY SECTION** (Amending WSR 02-21-021, filed 10/8/02, effective 11/8/02)

**WAC 388-532-050 ((Family planning) Definitions.** (**"Family planning services"** means the services, including the use of contraceptive techniques, that a client uses to plan the number and spacing of the client's children.) **The following definitions and those found in WAC 388-500-005, Medical definitions, apply to this chapter.**

**"Complication"** for the purposes of this chapter, means a condition occurring subsequent to and directly arising from the family planning services received under the rules of this chapter.

**"Contraception"** for the purposes of this chapter, means preventing pregnancy through the use of contraceptives.

**"Contraceptive"** for the purposes of this chapter, means a device, drug or product used to prevent pregnancy.

**"Family planning only program"** means the program providing an additional ten months of family planning services to eligible women who have just ended a pregnancy or completed a delivery. This benefit follows the sixty-day postpartum coverage for women who received medical benefits during the pregnancy.

**"Family planning services"** means medical care, contraceptives, and educational services which enable individuals to avoid unintended pregnancy.

**"MAA-approved family planning provider"** means a physician, ARNP or clinic that has been approved for and assigned a family planning provider number.

**"Medical identification card"** means the document MAA uses to identify a client's eligibility for a medical program.

**"Over-the-counter (OTC)"** means available for sale without a prescription.

**"Principal purpose diagnosis of family planning"** means the reason for the service or intervention is primarily for family planning purposes.

**"Sexually Transmitted Disease Infection (STD-I)"** is a disease or infection acquired as a result of sexual contact.

**"TAKE CHARGE"** means a five-year demonstration project that provides family planning to men and women with income at or below two hundred percent of the Federal Poverty Level. (Rules for the TAKE CHARGE demonstration project can be found immediately following these family planning services rules.)

**AMENDATORY SECTION** (Amending WSR 02-21-021, filed 10/8/02, effective 11/8/02)

**WAC 388-532-100 ((Family planning services) Client eligibility.** (1) The ((department informs eligible clients about available family planning services. This service includes, but is not limited to, information about the synthetic progestin capsule implant form of contraception.

(2) For eligible clients, except those participating in the TAKE CHARGE demonstration and research program (see WAC 388-532-700 through 388-532-790 for complete program description), the department provides the following services when needed in conjunction with family planning:

- (a) Physicians' services;
  - (b) Advanced registered nurse practitioners' (ARNP) services;
  - (c) Clinic or hospital services;
  - (d) Laboratory services; and
  - (e) Contraceptive supplies and/or prescription drugs)
- medical assistance administration (MAA) covers family planning services for clients eligible for the following "scope of care" designations (see WAC 388-529-0100):

- (a) Children's health insurance program (CHIP);
- (b) Categorically needy program (CNP);
- (c) Family planning only;
- (d) TAKE CHARGE;
- (e) General assistance unemployable (GAU), no out-of-state care; and
- (f) Limited casualty program-medically needy program (LCP-MNP).

(2) Healthy Options enrollees may self-refer outside their plan (HMO) or primary care case management for family planning services to:

- (a) An MAA-approved family planning provider; or
  - (b) A pharmacy.
- (3) MAA does not cover family planning services for clients in any program that does not meet the conditions of subsection (1) of this section.

### NEW SECTION

**WAC 388-532-110 Provider requirements.** In order to be reimbursed by MAA for family planning services:

- (1) Physicians and ARNPs must:
  - (a) Meet the requirements in chapter 388-502 WAC, Administration of medical programs—Provider rules; and
  - (b) Provide only those services that are within the scope of their licenses.
- (2) Family planning providers must:
  - (a) Meet the requirements in chapter 388-502 WAC;
  - (b) Provide medical information and education about Food & Drug Administration (FDA) approved prescription birth control methods and over-the-counter birth control supplies, to eligible clients who request such services; and

(c) Sign a special agreement that allows the provider to bill for family planning laboratory services provided to Healthy Options enrollees through an independent laboratory certified through the Clinical Laboratory Improvements Act (CLIA). See WAC 388-532-140 (2)(c) for more information on handling laboratory services for managed care clients.

#### NEW SECTION

**WAC 388-532-120 Covered services.** MAA covers the following family planning services:

(1) **Services for women**

- (a) Gynecological exam as medically necessary.
- (b) Food & Drug Administration (FDA) approved prescription contraception methods as identified in chapter 388-530 WAC, Pharmacy services.
- (c) Over-the-counter (OTC) contraceptives, drugs and supplies (as described in chapter 388-530 WAC, Pharmacy services).

(d) Sterilization procedure that meets the requirements of WAC 388-531-1550(1), if it is:

- (i) Requested by the client; and
- (ii) Performed in an appropriate setting for the procedure.

(e) Services such as laboratory exams, tests and procedures, and screening and treatment for STD-I when:

- (i) Performed in conjunction with a principal purpose diagnosis of family planning; and
- (ii) Required as part of the client's selected contraceptive method(s).

(f) Education on all FDA-approved contraceptives, natural family planning and abstinence.

(2) **Services for men**

(a) Over-the-counter (OTC) contraceptives, drugs and supplies (as described in chapter 388-530 WAC, Pharmacy services).

(b) Surgical sterilization procedure that meets the requirements of WAC 388-531-1550(1), if it is:

- (i) Requested by the client; and
- (ii) Performed in an appropriate setting for the procedure.

(c) Screening and treatment for sexually transmitted diseases-infections (STD-I) when:

- (i) Performed in conjunction with a principal purpose diagnosis of family planning; and
- (ii) Required as part of the client's selected contraceptive method(s).

(d) Education on all FDA-approved contraceptives, natural family planning and abstinence.

#### NEW SECTION

**WAC 388-532-130 Noncovered services.** (1) The following are not considered family planning services and are not covered under this chapter.

- (a) Infertility treatment services;
- (b) Abortions;
- (c) Mammograms;
- (d) Menopausal treatment services;

(e) Cancer screenings (except for pap smears or other similar screenings as identified in published billing instructions for family planning services); and

(f) All other reproductive health care, health care services or primary care services and prenatal care services.

(2) See chapter 388-530 WAC, Pharmacy services and chapter 388-531 WAC, Physician-related services for coverage of items and services not provided under this chapter.

#### NEW SECTION

**WAC 388-532-140 Reimbursement and payment limitations.** (1) MAA reimburses providers for covered family planning services using MAA's published fee schedules.

(2) For Healthy Options enrollees who have self-referred to an MAA-approved family planning provider outside their plan, all laboratory services must be billed through the family planning provider. See WAC 388-532-110 (2)(c), Provider requirements.

### **FAMILY PLANNING ONLY PROGRAM**

#### NEW SECTION

**WAC 388-532-500 Purpose and scope.** The family planning only program provides an additional ten months of medical coverage for family planning services. This benefit follows the sixty-day postpartum coverage for women who received medical benefits during the pregnancy. Women receive this benefit regardless of how the pregnancy ends.

#### NEW SECTION

**WAC 388-532-510 Client eligibility.** A woman is eligible for family planning only (FPO) services if:

- (1) She received medical benefits during her pregnancy; or
- (2) She is determined eligible for a retroactive period covering the end of the pregnancy.

#### NEW SECTION

**WAC 388-532-520 Provider requirements.** In order to be reimbursed by MAA for family planning only services:

- (1) Physicians and ARNPs must:
  - (a) Meet the requirements in chapter 388-502 WAC, Administration of medical programs—Provider rules; and
  - (b) Provide only those services that are within the scope of their licenses.
- (2) Family planning providers must:
  - (a) Meet the requirements in chapter 388-502 WAC; and
  - (b) Provide medical information and education about Food and Drug Administration (FDA) approved prescription birth control methods and over-the-counter birth control supplies, to eligible clients who request such services.

#### NEW SECTION

**WAC 388-532-530 Covered services.** The following family planning only services are provided under this program:

- (1) Gynecological exam as medically necessary.
- (2) Food & Drug Administration (FDA) approved prescription contraception methods meeting the requirements of chapter 388-530 WAC, Pharmacy services.
- (3) Over-the-counter (OTC) contraceptive, drugs and supplies (as described in chapter 388-530 WAC, Pharmacy services).
- (4) Sterilization procedure that meets the requirements of WAC 388-531-1550(1), if it is:
  - (a) Requested by the client; and
  - (b) Performed in an appropriate setting for the procedure.
- (5) Services such as laboratory exams, tests and procedures, and screening and treatment for sexually transmitted diseases-infections (STD-I) when:
  - (a) Performed in conjunction with a principal purpose diagnosis of family planning; and
  - (b) Required as part of the client's selected contraceptive method(s).
- (6) Education on all FDA-approved contraceptives, natural family planning and abstinence.

**NEW SECTION**

**WAC 388-532-540 Noncovered services.** Noncovered services for the family planning only program are the same as shown in the previous section for family planning services. See WAC 388-532-130.

**NEW SECTION**

**WAC 388-532-550 Reimbursement and payment limitations.** (1) MAA limits reimbursement under the family planning only program to visits and services that have a principal purpose diagnosis of family planning. A qualified licensed medical practitioner must make the diagnosis.

(2) Except as noted in subsection (3) of this section, MAA reimburses providers for covered family planning only services using MAA's published fee schedules.

(3) MAA does not pay for inpatient services under the family planning only program rules. However, inpatient costs may be incurred as a result of complications arising from covered family planning services. Providers of inpatient services must submit a complete report of the circumstances and conditions that caused the need for the inpatient services. MAA will then make a determination of the circumstances and the potential payment sources (e.g., the family planning provider, the ancillary service provider(s) and/or MAA).

**WSR 04-05-012**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Economic Services Administration)

[Filed February 6, 2004, 4:38 p.m.]

Date of Adoption: February 3, 2004.

Purpose: The amended rule is to correct a typographical error by changing the reference listed in subsection (2)(b) from RCW 26.26.040 to chapter 26.26 RCW.

Citation of Existing Rules Affected by this Order: Amending WAC 388-454-0010.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057.

Adopted under notice filed as WSR 03-24-056 on December 1, 2004, and continued as WSR 04-03-010F on January 9, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

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

February 3, 2004

Brian H. Lindgren, Manager  
 Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 01-03-121, filed 1/22/01, effective 3/1/01)

**WAC 388-454-0010 Do I have to be related to a child in order to get TANF or SFA for the child?** To get TANF or SFA, a child must live with a parent, other relative, court-ordered guardian, court-ordered custodian, or other adult acting *in loco parentis*.

(1) We consider the following people as parents for TANF and SFA:

(a) The child's natural or adoptive parent; or

(b) A stepparent who is legally obligated to support the child.

(2) We consider a man as a child's natural father if the relationship is:

(a) Made under a judgment or order under RCW 26.26.130 that set the relationship between the parent and child; or

(b) Presumed under the Uniform Parentage Act (chapter 26.26 RCW ((26.26.040))).

(3) When a child lives with a relative, the relative must be one of the following relationships to the child in order for that child to be eligible for TANF or SFA:

(a) The following blood relatives (including relatives of half blood) or their spouses: Siblings, first cousins (including first cousins once removed), nephews and nieces, and persons of earlier generations (including aunts, uncles and grandparents) as shown by the prefixes of great, great-great, or great-great-great;

(b) A natural parent whose parental rights were terminated by a court order;

(c) A stepparent who no longer has to support the child because:

(i) The child's natural or adoptive parent died; or

(ii) Divorce or dissolution ended the marriage between the stepparent and the child's natural or adoptive parent.

(d) A step sibling even if the marriage between the step sibling's parent and the child's natural or adoptive parent ended by death, divorce or dissolution.

### WSR 04-05-013

#### PERMANENT RULES

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed February 6, 2004, 4:39 p.m.]

Date of Adoption: February 3, 2004.

Purpose: The amended rule is to correct a typographical error by changing the reference listed in subsection (2) from WAC 388-468-0010 to WAC 388-468-0005.

Citation of Existing Rules Affected by this Order: Amending WAC 388-436-0015.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, and 74.04.057.

Adopted under notice filed as WSR 03-24-055 on December 1, 2003, and continued under WSR 04-02-057 on January 6, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

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

February 3, 2004

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**WAC 388-436-0015 Consolidated emergency assistance program (CEAP).** (1) CEAP is available to the following persons:

(a) A pregnant woman in any stage of pregnancy; or

(b) Families with dependent children.

(2) Applicants must be residents of Washington state as defined in WAC ((~~388-468-0010~~) 388-468-0005.

(3) Applicants must demonstrate a financial need for emergency funds for one or more of the following basic requirements:

(a) Food;

(b) Shelter;

(c) Clothing;

(d) Minor medical care;

(e) Utilities;

(f) Household maintenance supplies;

(g) Necessary clothing or transportation costs to accept or retain a job; or

(h) Transportation for a minor, not in foster care, to a home where care will be provided by family members or approved caretakers.

(4) Payment under this program is limited to not more than thirty consecutive days within a period of twelve consecutive months.

### WSR 04-05-026

#### PERMANENT RULES

#### DEPARTMENT OF

#### FISH AND WILDLIFE

[Order 04-22—Filed February 10, 2004, 3:47 p.m.]

Date of Adoption: February 6, 2004.

Purpose: Adopt hunting accident scope rule.

Citation of Existing Rules Affected by this Order: Amending WAC 220-125-010.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 04-01-196 on December 24, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

February 10, 2004

Susan Yeager  
for Will Roehl, Chair  
Fish and Wildlife Commission

**AMENDATORY SECTION** (Amending Order 99-209, filed 12/16/99, effective 1/16/00)

**WAC 220-125-010 Scope of rules—Definitions.** The provisions of this chapter apply to the department's authority under chapter((s)) 77.15 ((and 77.16)) RCW to issue orders that revoke licenses, tags, or permits issued by the department, or to suspend privileges administered by the department.

(1) "Revoke" and "revocation" mean issuance of a department order under chapter 77.15 ((or 77.16)) RCW that takes away a license, tag, or permit. A revocation order nullifies all privileges represented by the license, tag, or permit, regardless of whether a revoked license is physically returned to the department, unless that order is withdrawn or reversed.

(2) "Suspend" and "suspension" mean issuance of a department order under chapter 77.15 ((or 77.16)) RCW that prohibits a person from enjoying or exercising a privilege that is regulated by any licenses, tags, or permits issued by the department. When a person is subject to an order suspending privileges, then any license obtained in violation of the suspension is void.

(3) For purposes of suspending hunting privileges because of a person shooting another person or domestic livestock while hunting pursuant to RCW 77.15.720, a person is "hunting" if the person is in transit to or from engaging in hunting activities, or the person is in the field engaging in hunting activities.

**WSR 04-05-027**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 04-21—Filed February 10, 2004, 3:50 p.m.]

Date of Adoption: February 6, 2004.

Purpose: Amend coastal spot shrimp rules.

Citation of Existing Rules Affected by this Order:  
Amending WAC 220-88B-030 and 220-88B-040.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 04-01-136 on December 18, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

February 10, 2004

Susan Yeager

for Will Roehl, Chair

Fish and Wildlife Commission

**AMENDATORY SECTION** (Amending Order 03-187, filed 8/7/03, effective 9/7/03)

**WAC 220-88B-030 Emerging commercial fishery—Eligibility for coastal experimental fishery permits—Terms and conditions of use—Renewal—Vessel restriction—Incidental catch.** (1) No individual may hold more than one Washington coastal spot shrimp experimental fishery permit.

(2) Coastal spot shrimp experimental fishery permits are not transferable. Only the vessel designated on the emerging commercial fishery license and coastal spot shrimp experimental fishery permit may be used to fish for or deliver spot shrimp.

(3) A coastal spot shrimp experimental fishery permit will be issued only to a natural person who:

(a) Held such a permit the previous year; and

(b) Can demonstrate by valid Washington fish receiving tickets that at least 1,000 cumulative round weight pounds of spot shrimp taken from waters of the Pacific Ocean adjacent to the state of Washington were landed from the person's designated vessel or vessels during the previous two calendar years. Landings of spot shrimp reported as "tails" on fish receiving tickets will be converted to round pounds by multiplying the reported weight of tails by two.

(4) Coastal spot shrimp experimental fishery permits may be revoked by the director, and future permits denied by the director, for failure to comply with conditions specified in the permits or violations of other fishing regulations. A coastal spot shrimp experimental fishery permit will not be renewed if the emerging commercial fishery license is revoked or future fishing privileges of the licensee are suspended.

(5) The director may issue a coastal spot shrimp experimental fishery permit to another person if a permittee fails to make the requisite landings, if the person's experimental coastal spot shrimp experimental fishery permit is revoked, or if no application for an emerging commercial fishery license is received by March 31st of each year. The total number of permits issued, including replacement permits, shall not exceed fifteen. Selection of persons to receive replacement permits shall be by gear or gear replacement type, and replacement permits will be offered in descending order first to persons who made the largest total of Washington coastal spot shrimp landings in each gear type during the original qualifying period, and then in descending order to persons who made the largest total of Washington coastal spot shrimp landings in each gear type. If no persons with coastal spot shrimp landings wish to participate, the director may offer a replacement permit by random drawing.

(6) Coastal spot shrimp experimental fishery permits are only valid for the year issued and expire on December 31st of the year issued with the expiration of the emerging commercial fishery license.

PERMANENT

(7) The total allowable catch of spot shrimp taken from Washington territorial waters west of the Bonilla-Tatoosh line and from adjacent waters of the Pacific Ocean during a calendar year is 250,000 pounds round weight provided that not more than 100,000 pounds may be taken south of 47°04.00' N. latitude.

(8) Beginning January 1, 2003, through December 31, 2005, the allowable catch shall be allocated as follows: 175,000 pounds available to all permit holders and 75,000 pounds available to fishers who were converted from trawl to pot permits. Beginning January 1, 2006, the allowable catch is available to all permit holders.

(9) Vessel restriction: A coastal spot shrimp experimental fishery permit will not be issued to a person who designates a vessel greater than ten feet longer than the vessel designated as of March 31, 2003, provided that if the vessel designated as of March 31, 2003, is ten or more feet greater than the vessel used by the person to initially qualify for a coastal spot shrimp experimental fishery permit, the person may not designate a vessel greater in length than the vessel designated as of March 31, 2003.

(10) Incidental catch:

(a) It is unlawful to retain more than 50 pounds round weight of other shrimp species. It is lawful to retain octopus and squid.

(b) It is unlawful to retain salmon.

(c) It is unlawful to retain any bottomfish species (~~((except as provided for in WAC 220-44-050)).~~)

**AMENDATORY SECTION** (Amending Order 01-287, filed 12/27/01, effective 1/27/02)

**WAC 220-88B-040 Coastal spot shrimp pot experimental fishery—Season and gear—Species restriction.** It is unlawful to fish for spot shrimp for commercial purposes in coastal and offshore waters using shellfish pot gear except as provided in this section:

(1) Season - Open to shellfish pot gear the entire year.

(2) Gear restrictions:

(a) Maximum of 500 shellfish pots per permit.

(b) Pot size is limited to a maximum 153 inch bottom perimeter and a maximum 24 inch height.

(c) Shrimp pot gear must be constructed with net webbing or rigid mesh, and at least 50 percent of the net webbing or mesh covering the sides of the pot must easily allow passage of a seven-eighths inch diameter dowel.

(d) Pot gear is required to have an escape mechanism as provided for in WAC 220-52-035.

(e) Groundline end marker buoys must be floating and visible on the surface of the water, equipped with a pole, flag, radar reflector and operating light, and marked with the clear identification of the permittee.

(3) Incidental catch: It is unlawful to retain any species of finfish or shellfish taken with spot shrimp pot gear, except that it is lawful to retain octopus, squid, and up to 50 pounds round weight of other shrimp species taken with shrimp pot gear. It is ~~((lawful))~~ **unlawful** for persons fishing in the coastal spot shrimp experimental fishery to ~~((participate in the coastal bottomfish fishery under WAC 220-44-050, and to retain))~~ **deliver spot shrimp while having on board bottom-**

**fish taken in ~~((that))~~ the coastal bottomfish fishery under WAC 220-44-050.**

**WSR 04-05-028**

**PERMANENT RULES**

**DEPARTMENT OF**

**FISH AND WILDLIFE**

[Order 04-20—Filed February 10, 2004, 3:53 p.m.]

Date of Adoption: February 6, 2004.

Purpose: Amend duties of commercial fishers rule.

Citation of Existing Rules Affected by this Order:  
Amending WAC 220-69-241.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 04-01-135 on December 18, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

February 10, 2004

Susan Yeager

for Will Roehl, Chair

Fish and Wildlife Commission

**AMENDATORY SECTION** (Amending Order 03-32, filed 2/18/03, effective 3/21/03)

**WAC 220-69-241 Duties of commercial fishers.** (1) Every fisher selling food fish or shellfish to the consumer, restaurant, boathouse, or other retail outlet, and every fisher who places, or attempts to place, into inter-state commerce any food fish or shellfish previously landed in this state, or caught, or harvested from the territorial waters of this state, is required to possess a valid wholesale dealer's license or a direct retail endorsement. Such fishers must immediately, completely, accurately, and legibly prepare the appropriate state of Washington fish receiving ticket in their own name for each landing or delivery of fish. The fish receiving ticket must show the total of all fish and shellfish aboard the harvesting vessel upon landing or delivery. The fisher selling at retail must complete a fish receiving ticket before offering fish or shellfish for retail sale except if food fish or shellfish are being offered for sale directly off the catcher vessel the fisher may complete the ticket with an estimated number or



weight. At the completion of the retail activity, the fisher who has completed a ticket with an estimated number or weight is required to complete a corrected fish receiving ticket with the actual number and weight of fish or shellfish that were sold at retail. The price shown on the fish ticket must be the actual sale price of the fish or shellfish.

(2) Each fisher offering food fish or shellfish for retail sale must maintain a sequentially numbered receipt book, which receipt book contains a receipt duplicate copy, and must give each purchaser of salmon or crab a receipt showing the number, weight and value of food fish or shellfish sold to that purchaser. The duplicate receipts must be retained by the seller for one year.

(3) In the commercial geoduck fishery, a vessel operator so designated by the geoduck tract holder must be present at all times on each vessel commercially harvesting geoducks or having commercially harvested geoducks aboard. For each day's harvest of geoducks from each tract, the designated operator must legibly and accurately enter the following information on a fish receiving ticket before leaving the department of natural resources geoduck harvest tract:

(a) Enter in the "dealer's use" column the number of cages of geoducks harvested.

(b) Write across the top of the fish receiving ticket directly below the tear strip, the harvest vessel name, its Washington department identification number and the date.

(c) Sign the fish receiving ticket as the fisher.

(4) Commercial fishers who are neither wholesale dealers nor holders of a direct retail endorsement must complete a transportation ticket as provided for in WAC 220-69-300 when transporting commercial fish or shellfish away from the catching vessel or, for a fishery that does not require a vessel, the catch site. The transportation ticket is to remain with the fish or shellfish until a fish receiving ticket is completed, and must be presented for inspection by persons transporting, holding, or storing fish or shellfish when requested by authorized department personnel.

## WSR 04-05-031

### PERMANENT RULES

### UTILITIES AND TRANSPORTATION COMMISSION

[Docket No. A-031232, General Order No. R-512—Filed February 11, 2004, 10:15 a.m.]

In the matter of amending several rules in Title 480 WAC, relating to minimum regulatory fees for Class 1 utilities and transportation industries, except for motor freight carriers.

**I STATUTORY OR OTHER AUTHORITY:** The Washington Utilities and Transportation Commission takes this action under Notice No. WSR 03-24-060, filed with the code reviser on December 1, 2003. The commission brings this proceeding pursuant to RCW 80.01.040, 80.04.160, 81.04.160, and chapter 296, Laws of 2003, which amended chapters 80.24, 81.24, and 81.77 RCW to give the commission authority to set minimum regulatory fees that do not exceed the cost of collecting the fees, and to waive collection of the minimum fee.

**2 STATEMENT OF COMPLIANCE:** This proceeding complies with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

**3 DATE OF ADOPTION:** The commission adopts this rule on the date that this order is entered.

**4 CONCISE STATEMENT OF PURPOSE AND EFFECT OF THE RULE:** RCW 34.05.325 requires that the commission prepare and provide to commenters a concise explanatory statement about an adopted rule. The statement must include the identification of the reasons for adopting the rule, a summary of the comments received regarding the proposed rule, and responses reflecting the commission's consideration of the comments.

5 The commission often includes a discussion of those matters in its rule adoption order. In addition, most rule-making proceedings involve extensive work by commission staff that includes summaries in memoranda of stakeholder comments, commission decisions, and staff recommendations in each of those areas.

6 In this docket, to avoid unnecessary duplication, the commission designates the discussion in this order as its concise explanatory statement, supplemented where not inconsistent by the staff memoranda presented at the adoption hearing and at the open meetings where the commission considered whether to begin a rule making and whether to propose adoption of specific language. Together, the documents provide a complete but concise explanation of the agency actions and its reasons for taking those actions.

**7 REFERENCE TO AFFECTED RULES:** These rules amend the following sections of the Washington Administrative Code:

**WAC 480-30-110 Fees and gross operating revenue,** amends the title, amends the filing date to May 1, establishes the maximum statutory regulatory fee, establishes the commission's process for reducing the maximum statutory regulatory fee, establishes a twenty dollar minimum regulatory fee, and a waiver of the minimum regulatory fee for any company whose annual gross revenues are below the threshold that would generate the twenty dollar minimum regulatory fee.

**WAC 480-51-100 Annual reports—Regulatory fees,** establishes the maximum statutory regulatory fee, establishes the commission's process for reducing the maximum statutory regulatory fee, establishes a twenty dollar minimum regulatory fee, and a waiver of the minimum regulatory fee for any company whose annual gross revenues are below the threshold that would generate the twenty dollar minimum regulatory fee.

**WAC 480-62-300 Annual reports,** amends the title, establishes the maximum statutory regulatory fee, establishes the commission's process for reducing the maximum statutory regulatory fee, establishes a twenty dollar minimum regulatory fee, and a waiver of the minimum regulatory fee for any company whose annual gross revenues are below the threshold that would generate the twenty dollar minimum regulatory fee.

**WAC 480-70-076 Regulatory fees**, amends the filing date to May 1, establishes the commission's process for reducing the maximum statutory regulatory fee, establishes a twenty dollar minimum regulatory fee, and a waiver of the minimum regulatory fee for any company whose annual gross revenues are below the threshold that would generate the twenty dollar minimum regulatory fee.

**WAC 480-90-208 Financial reporting requirements**, establishes the maximum statutory regulatory fee, establishes the commission's process for reducing the maximum statutory regulatory fee, establishes a twenty dollar minimum regulatory fee, and a waiver of the minimum regulatory fee for any company whose annual gross revenues are below the threshold that would generate the twenty dollar minimum regulatory fee.

**WAC 480-100-208 Financial reporting requirements**, establishes the maximum statutory regulatory fee, establishes the commission's process for reducing the maximum statutory regulatory fee, establishes a twenty dollar minimum regulatory fee, and a waiver of the minimum regulatory fee for any company whose annual gross revenues are below the threshold that would generate the twenty dollar minimum regulatory fee.

**WAC 480-110-275 Accounting and reporting requirements, and regulatory fees**, establishes the maximum statutory regulatory fee, establishes the commission's process for reducing the maximum statutory regulatory fee, establishes a twenty dollar minimum regulatory fee, and a waiver of the minimum regulatory fee for any company whose annual gross revenues are below the threshold that would generate the twenty dollar minimum regulatory fee.

**WAC 480-120-303 Reporting requirements for competitively classified companies**, establishes the maximum statutory regulatory fee, establishes the commission's process for reducing the maximum statutory regulatory fee, establishes a twenty dollar minimum regulatory fee, and a waiver of the minimum regulatory fee for any company whose annual gross revenues are below the threshold that would generate the twenty dollar minimum regulatory fee.

**WAC 480-120-304 Reporting requirements for companies not classified as competitive**, establishes the maximum statutory regulatory fee, establishes the commission's process for reducing the maximum statutory regulatory fee, establishes a twenty dollar minimum regulatory fee, and a waiver of the minimum regulatory fee for any company whose annual gross revenues are below the threshold that would generate the twenty dollar minimum regulatory fee.

**8 PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS THEREUNDER:** The commission filed a preproposal statement of inquiry (CR-101) on September 3, 2003, at WSR 03-18-116.

**9 ADDITIONAL NOTICE AND ACTIVITY PURSUANT TO PREPROPOSAL STATEMENT:** The statement advised interested persons that the commission was considering entering a rule making to amend minimum regulatory fee rules for Class 1 utilities and transportation industries, except motor freight carriers, in Title 480 WAC. The commission also informed persons of the inquiry into this matter by providing notice of the subject and the CR-101 to all persons on the commission's list of persons requesting such information pursuant to RCW

34.05.320(3) and by sending notice to auto transportation, railroad, solid waste, gas, electric, telecommunications, and water companies, and commercial ferries. Pursuant to the notice, the commission called for written comments. No comments were received.

**10 NOTICE OF PROPOSED RULE MAKING:** The commission filed a notice of proposed rule making (CR-102) on December 1, 2003, at WSR 03-24-060. The commission scheduled this matter for oral comment and adoption under Notice No. WSR 03-24-060 at 9:30 a.m., Wednesday, January 14, 2004, 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. No comments were received.

**11 RULE-MAKING HEARING:** The rule proposal was considered for adoption, pursuant to the notice, at a rule-making hearing scheduled during the commission's regularly scheduled open public meeting on January 14, 2004, before Chairwoman Marilyn Showalter, Commissioner Richard Hemstad, and Commissioner Patrick J. Oshie. The commission heard oral comments from Mike Young, representing commission staff. No other interested person made oral comments.

**12 COMMISSION ACTION:** After considering all of the information regarding this proposal, the commission adopted the rule amendments as noticed at WSR 03-24-060.

**13 STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE:** In reviewing the entire record, the commission determines that WAC 480-30-110, 480-51-100, 480-62-300, 480-70-076, 480-90-208, 480-100-208, 480-110-275, 480-120-303, and 480-120-304 should be amended to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380(2) on the thirty-first day after filing with the code reviser.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 9, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

#### ORDER

**14 THE COMMISSION ORDERS:**

**15 WAC 480-30-110, 480-51-100, 480-62-300, 480-70-076, 480-90-208, 480-100-208, 480-110-275, 480-120-303, and 480-120-304** are amended to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect on the thirty-first day after filing with the code reviser pursuant to RCW 34.05.380(2).

16 This order and the rules set out 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 chapters 80.01 and 34.05 RCW and chapter 1-21 WAC.

DATED at Olympia, Washington, this 11th day of February, 2004.

Washington Utilities and Transportation Commission  
Marilyn Showalter, Chairwoman  
Richard Hemstad, Commissioner  
Patrick J. Oshie, Commissioner

**AMENDATORY SECTION** (Amending Order R-329, Docket No. T-900076, filed 10/31/90, effective 12/1/90)

**WAC 480-30-110 Regulatory fees ((and gross operating revenue)).** ((1) Auto transportation companies shall, between the first and fifteenth days of January, April, July and October of each year file with the commission a statement showing the amount of gross operating revenue of such company for the preceding three months, or portion thereof. Such statement must be accompanied by a fee of 2/5 of 1% of the gross operating revenue derived from intrastate operations, as provided in RCW 81.24.020; in no case shall the fee so paid be less than two dollars and fifty cents. Failure to make such payments shall be sufficient cause for the commission, in its discretion, to revoke a certificate. exception: A private, nonprofit transportation provider certificated under WAC 480-30-035 shall pay to the commission the sum of \$10.00 annually for each vehicle operated in lieu of the above regulatory fee based on gross revenue. Such fee to be paid with the filing of the annual report of the corporation.

(2) The "gross operating revenue" of an auto transportation company is that revenue which such company receives or becomes lawfully entitled to recover for the transportation of persons, express, baggage and United States mail, upon any public highway of this state by means of motor propelled vehicles, and all other operating revenue; except such revenue as properly comes within the meaning of the term "independent operations" as hereinafter defined; also that revenue which such company receives from other property owned by it, the value of which is or should properly be included in its fixed capital accounts.

For the purpose of reporting to the commission on quarterly reports the "gross operating revenue" of an auto transportation company shall be subdivided as follows:

- R-1 Passenger revenue.
- R-2 Express and baggage revenue.
- R-3 United States mail and other operating revenue.

R-1, Passenger revenue:— Shall include all revenue derived from the transportation of persons, except such revenue as is derived from operations coming within the meaning of "independent operations," as hereinafter defined.

(Note: This item must include all revenue received for the transportation of persons outside the corporate limits of a city or town where the service rendered is over the route, or any part thereof, or in the territory covered by the certificate of the reporting company. It must also include all revenue derived from the transportation of persons where the service is performed with any of the vehicles or facilities owned or

operated by the reporting company, the value of which is included in its fixed capital accounts dedicated to furnishing the service authorized by its certificate, including revenue from what is commonly termed "taxicab" and "special for hire" service, etc., unless the service rendered is not over the route, or any portion thereof, or in the territory covered by the certificate of the reporting company, and the vehicles utilized are used exclusively in such "taxicab" or "special for hire" service, etc., in which case the value of said vehicles or facilities so used and the entire revenue and expense incident to their use shall be kept separate and reported under "independent operations.")

R-2, Express and baggage revenue:— Shall include all revenue from the transportation of:

- Express.
- Baggage in excess of free authorized allowances.
- Parcel room receipts where parcel rooms are operated by the reporting company.

R-3, United States mail and other operating revenue:— Shall include all revenue derived from the transportation of United States mail and bonuses from special mail transportation, less fines and penalties imposed by the United States government when not collected from agents or employees. Other operating revenue from property owned and used in connection with the reporting company's business and not provided for in the foregoing revenue accounts, the principal items of which are:

- A— Rentals received for use of cars.
- B— Revenue derived from the performance of shop work for others.
- C— Amounts received from news companies or others for the privilege of operating news and soft drink stands, lunch counters, etc., at stations when such stations are owned by the reporting company.
- D— Rentals received from other transportation companies for the right to use stations owned by the reporting company, used in its auto transportation operations and included in the fixed capital accounts thereof.
- E— Revenue received from advertising in stations and cars.

The intrastate portion of above items R-1, R-2 and R-3 will constitute "total gross operating revenue" upon which the fee will be computed and remitted, as provided in RCW 81.24.020, and rule 62.

(3) Nonoperating revenue:— Is that revenue received as a return on property owned by the reporting company, the value of which is not included in the fixed capital accounts of its "auto transportation" or "independent" operations. Principal items:

- A— Revenue received from other auto transportation companies, ownership of which is shared by the reporting company.
- B— Dividends on stock of other companies.
- C— Interest on loans.
- D— Rents from property the value of which is not included in the fixed capital accounts of the reporting company's certified or independent operations.

Independent operations:— Revenue from "independent operation" is that revenue which the reporting company receives or becomes lawfully entitled to recover for the trans-

~~portation of persons and/or express by means of motor propelled vehicles where the service rendered is not over the route, or any portion thereof, or in the territory covered by such company's certificate and where the value of the vehicles and facilities so used is not included, nor properly includable, in the fixed capital accounts of such auto transportation company dedicated to furnishing the service authorized by its certificate and where both the revenue and expense incident to such "independent operations" are kept separate and apart from the accounts of the company's certified operations-))~~ A regulatory fee is an annual assessment paid by each company to cover the costs of regulation.

**Auto transportation company regulatory fees.** The maximum auto transportation company regulatory fee is set by statute at two-fifths of one percent of gross intrastate operating revenue.

(1) The maximum regulatory fee is assessed each year, unless the commission issues an order establishing the regulatory fee at an amount less than the statutory maximum.

(2) The minimum regulatory fee that an auto transportation company must pay is twenty dollars.

(3) The twenty dollar minimum regulatory fee is waived for any auto transportation company with less than five thousand dollars in gross intrastate operating revenue.

(4) Each auto transportation company must pay its regulatory fee by May 1 of each year.

(5) The commission does not grant extensions for payment of regulatory fees.

(6) If a company does not pay its regulatory fee by May 1, the commission will assess an automatic late fee of two percent of the amount due, plus one percent interest for each month the fee remains unpaid.

(7) The commission may take action to suspend or cancel a certificate, if a company fails to pay its regulatory fee.

AMENDATORY SECTION (Amending Order R-435, Docket No. TS-941485, filed 10/18/95, effective 11/18/95)

**WAC 480-51-100 Annual reports—Regulatory fees.**

(1) Each person operating a commercial ferry shall after the close of each year file with the commission reports covering its operations during the preceding calendar year containing the information required by the commission. The annual report must be prepared on forms furnished by the commission and must be filed, along with the regulatory fee, not later than May 1st of ~~((the succeeding))~~ each year.

~~((Persons operating commercial ferries shall on or before the first day of May of each year file with the commission a statement showing the gross operating revenue of the company for the preceding calendar year. The statement shall be accompanied by the regulatory fee as provided in RCW 81-24.030 based upon such gross operating revenue and in an amount to be fixed each year by order of the commission.))~~ The commercial ferry regulatory fee is set by statute at two-fifths of one percent of gross intrastate operating revenue.

(a) The maximum regulatory fee is assessed each year, unless the commission issues an order establishing the regulatory fee at an amount less than the statutory maximum.

(b) The minimum regulatory fee that a commercial ferry must pay is twenty dollars.

(c) The twenty dollar minimum regulatory fee is waived for any commercial ferry with less than five thousand dollars in gross intrastate operating revenue.

(d) The commission does not grant extensions for payment of regulatory fees.

(e) If a company does not pay its regulatory fee by May 1, the commission will assess an automatic late fee of two percent of the amount due, plus one percent interest for each month the fee remains unpaid.

(f) The commission may take action to suspend or cancel a certificate, if a company fails to pay its regulatory fee.

(3) When a certificate is transferred or cancelled or for any reason a certificate holder ceases its operation under a certificate, an annual report ~~((, a statement of the gross operating revenue, and the gross operating revenue fee as required by this section))~~ must be filed with the commission within fifteen days after the certificate operator ceases operation and must cover the period from the first day of the year to the date operations ceased.

AMENDATORY SECTION (Amending Docket No. TR-981102, General Order No. R-477, filed 1/30/01, effective 3/2/01)

**WAC 480-62-300 Annual reports—Regulatory fees.**

(1) The surface transportation board annual report form R1 must be used by Class I railroad companies as the annual report form for submission to the commission. Class II and Class III railroad companies must use report forms periodically published by the commission.

(2) Each year every railroad company is responsible for obtaining the proper report form from the commission. Reports must be completed for the preceding calendar year's operations. One copy of the completed annual report, along with the regulatory fee, must be submitted to the commission no later than May 1 of ~~((the succeeding))~~ each year.

(3) Regulatory fees. The railroad company regulatory fee is set by statute at one and one-half percent of gross intrastate operating revenue.

(a) The maximum regulatory fee is assessed each year, unless the commission issues an order establishing the regulatory fee at an amount less than the statutory maximum.

(b) The minimum regulatory fee that a railroad company must pay is twenty dollars.

(c) The twenty dollar minimum regulatory fee is waived for any railroad company with less than one thousand three hundred dollars in gross intrastate operating revenue.

(d) The commission does not grant extensions for payment of regulatory fees.

(e) If a company does not pay its regulatory fee by May 1, the commission will assess an automatic late fee of two percent of the amount due, plus one percent interest for each month the fee remains unpaid.

AMENDATORY SECTION (Amending Docket No. TG-990161, General Order No. R-479, filed 3/23/01, effective 4/23/01)

**WAC 480-70-076 Regulatory fees.** A regulatory fee is an annual assessment paid by each company to cover the costs of regulating the solid waste industry.

(1) The maximum regulatory fee is set by statute at one percent of gross intrastate operating revenue. ~~((Each year, the commission may set the regulatory fee at an amount less than the statutory maximum. The minimum fee can be no less than one dollar.))~~

(a) The maximum regulatory fee is assessed each year, unless the commission issues an order establishing the regulatory fee at an amount less than the statutory maximum.

(b) The minimum regulatory fee that a solid waste collection company must pay is twenty dollars.

(c) The twenty dollar minimum regulatory fee is waived for any solid waste collection company with less than two thousand dollars in gross intrastate operating revenue.

(2) A company must pay its regulatory fee by ~~((April))~~ May 1 of each year.

(3) The commission does not grant extensions for payment of regulatory fees.

(4) If a company does not pay its regulatory fee by ~~((April))~~ May 1, the commission will assess an automatic late fee of two percent of the amount due, plus one percent interest for each month the fee remains unpaid.

(5) The commission may ~~((issue penalty assessments, or))~~ take action to suspend or cancel a certificate, if a company fails to pay its regulatory fee.

**AMENDATORY SECTION** (Amending Docket No. A-020379, General Order No. R-501, filed 8/26/02, effective 9/26/02)

**WAC 480-90-208 Financial reporting requirements.**

**(1) Annual reports.**

(a) Gas utilities must use the annual report form (FERC Form No. 2) promulgated by the Federal Energy Regulatory Commission in Title 18 of the Code of Federal Regulations, Part 260, for purposes of annual reporting to this commission. Data required by RCW 80.04.080, Annual reports, but not included in the FERC Form No. 2, must also be submitted with the annual report. Utilities must submit the annual report for the preceding calendar year, along with the regulatory fee, by May 1st of each year. If not presented in the prescribed FERC Form, the annual report must include the following data per customer class for the calendar year: Revenues, average customer count, and total unit sales. Information about the FERC Form No. 2 regarding the version adopted and where to obtain it is set out in WAC 480-90-999, Adoption by reference.

(b) Utilities must also submit to this commission, in essentially the same format and content as the FERC Form No. 2, a report that documents the costs incurred and the property necessary to furnish utility service to its customers and the revenues obtained in the state of Washington. The report must include the following data per customer class for the calendar year: Revenues, average customer count, and total unit sales;

(c) Combination and multistate utilities must submit with the annual report their cost allocation methods necessary to develop results of operations for the state of Washington. Approval of cost allocation schemes for rate-making purposes is accomplished only by commission order;

(d) The total utility results of operations reported by each utility in its annual report to the commission must agree with the results of operations shown on the utility's books and records.

**(2) Commission basis reports (annual).**

(a) The intent of the "commission basis" report is to depict the gas operations of a utility under normal temperature and gas supply conditions during the reporting period. The commission basis report must include the following:

(i) Booked results of gas operations and rate base, and all the necessary adjustments as accepted by the commission in the utility's most recent general rate case or subsequent orders;

(ii) Actual adjusted results of operations for out-of-period, nonoperating, nonrecurring, and extraordinary items or any other item that materially distorts reporting period earnings and rate base; and

(iii) Adjusted booked revenues and gas supply expenses to reflect operations under normal temperature conditions before the achieved return on rate base is calculated;

(b) Commission basis reports should not include adjustments that annualize price, wage, or other cost changes during a reporting period, nor new theories or approaches that have not been previously addressed and resolved by the commission;

(c) Utilities must submit the basis of any cost allocations and the allocation factors necessary to develop the commission basis results of gas operations for the state of Washington;

(d) Commission basis reports are due within four months of the end of a utility's fiscal year.

(3) **Quarterly reports.** Gas utilities must file a report of actual results for Washington operations within forty-five days of the end of each quarter. The results of operations report must contain each of the three monthly balances and the latest twelve months' ending balance for all accounts of the uniform system of accounts. The report must include the average customer count and total unit sales per customer class for each reported period.

(4) **Additional reports.** This section does not supersede any reporting requirement specified in a commission order or limit the commission's ability to request additional information.

(5) **Regulatory fees.** The gas utility annual regulatory fee is set by statute at one tenth of one percent of the first fifty thousand dollars of gross intrastate operating revenue plus two tenths of one percent of any gross intrastate operating revenue in excess of fifty thousand dollars.

(a) The maximum regulatory fee is assessed each year, unless the commission issues an order establishing the regulatory fee at an amount less than the statutory maximum.

(b) The minimum regulatory fee that a gas utility must pay is twenty dollars.

(c) The twenty dollar minimum regulatory fee is waived for any gas utility with less than twenty thousand dollars in gross intrastate operating revenue.

(d) The commission does not grant extensions for payment of regulatory fees.

(e) If a company does not pay its regulatory fee by May 1, the commission will assess an automatic late fee of two

percent of the amount due, plus one percent interest for each month the fee remains unpaid.

**AMENDATORY SECTION** (Amending Docket No. A-020379, General Order No. R-501, filed 8/26/02, effective 9/26/02)

**WAC 480-100-208 Financial reporting requirements. (1) Annual reports.**

(a) Electric utilities must use the annual report form (FERC Form No. 1) promulgated by the Federal Energy Regulatory Commission in Title 18 of the Code of Federal Regulations, Part 141, for purposes of annual reporting to this commission. Data required by RCW 80.04.080 Annual reports, but not included in the FERC Form No. 1, must also be submitted with the annual report. Utilities must submit the annual report for the preceding calendar year, along with the regulatory fee, by May 1st of each year. If not presented in the prescribed FERC Form, the annual report must include the following data per customer class for the calendar year: Revenues, average customer count, and total unit sales. Information about the FERC Form No. 1 regarding the version adopted and where to obtain it is set out in WAC 480-100-999, Adoption by reference.

(b) Utilities must also submit to this commission, in essentially the same format and content as the FERC Form No. 1, a report that documents the costs incurred and the property necessary to furnish utility service to its customers and the revenues obtained in the state of Washington. The report must include the following data per customer class for the calendar year: Revenues, average customer count, and total unit sales;

(c) Combination and multistate utilities must submit with the annual report their cost allocation methods necessary to develop results of operations for the state of Washington. Approval of cost allocation schemes for rate-making purposes is accomplished only by commission order;

(d) The total utility results of operations reported by each utility in its annual report to the commission must agree with the results of operations shown on the utility's books and records.

**(2) Commission basis reports (annual).**

(a) The intent of the "commission basis" report is to depict the electric operations of a utility under normal temperature and power supply conditions during the reporting period. The commission basis report must include the following:

(i) Booked results of electric operations and rate base, and all the necessary adjustments as accepted by the commission in the utility's most recent general rate case or subsequent orders;

(ii) Actual adjusted results of operations for out-of-period, nonoperating, nonrecurring, and extraordinary items or any other item that materially distorts reporting period earnings and rate base; and

(iii) Adjusted booked revenues and power supply expenses to reflect operations under normal temperature and power supply conditions before the achieved return on rate base is calculated;

(b) Commission basis reports should not include adjustments that annualize price, wage, or other cost changes during a reporting period, nor new theories or approaches that have not been previously addressed and resolved by the commission.

(c) Utilities must submit the basis of any cost allocations and the allocation factors necessary to develop the commission basis results of electric operations for the state of Washington;

(d) Commission basis reports are due within four months of the end of a utility's fiscal year.

(3) **Quarterly reports.** Electric utilities must file a report of actual results for Washington operations within forty-five days of the end of each quarter. The results of operations report must contain each of the three monthly balances and the latest twelve months ending balance for all accounts of the uniform system of accounts. The report must include the average customer count and total unit sales per customer class for each reported period.

(4) **Additional reports.** This section does not supersede any reporting requirement specified in a commission order or limit the commission's ability to request additional information.

(5) **Regulatory fees.** The electric utility annual regulatory fee is set by statute at one tenth of one percent of the first fifty thousand dollars of gross intrastate operating revenue plus two tenths of one percent of any gross intrastate operating revenue in excess of fifty thousand dollars.

(a) The maximum regulatory fee is assessed each year, unless the commission issues an order establishing the regulatory fee at an amount less than the statutory maximum.

(b) The minimum regulatory fee that an electric utility must pay is twenty dollars.

(c) The twenty dollar minimum regulatory fee is waived for any electric utility with less than twenty thousand dollars in gross intrastate operating revenue.

(d) The commission does not grant extensions for payment of regulatory fees.

(e) If a company does not pay its regulatory fee by May 1, the commission will assess an automatic late fee of two percent of the amount due, plus one percent interest for each month the fee remains unpaid.

**AMENDATORY SECTION** (Amending Docket No. A-020379, General Order No. R-501, filed 8/26/02, effective 9/26/02)

**WAC 480-110-275 Accounting and reporting requirements, and regulatory fees.** (1) Water companies must use the uniform system of accounts (USOA) published by the National Association of Regulatory Utility Commissioners (NARUC). Information about the USOA regarding the version adopted and where to obtain it is set out in WAC 480-110-999, Adoption by reference. The USOA sets out the accounting requirements for class A, B, and C water companies.

Water companies are classified by revenues.

Class	Annual Gross Operating Revenue
A	\$1,000,000 or more
B	\$200,000 to \$999,999
C	Less than \$200,000

(2) A water company may use the accounting requirements for a higher class if it chooses.

(3) The commission will distribute an annual report form that each water company must complete and file with the commission for the prior calendar year. The annual report must be filed, and the company's regulatory fee paid, no later than May 1 of each year.

(4) A written request for the extension of the time for filing the annual report can be made prior to May 1. The commission does not grant an extension of time for payment of regulatory fees.

(5) The maximum water company regulatory fee is set by statute at one tenth of one percent of the first fifty thousand dollars of gross intrastate operating revenue plus two tenths of one percent of any gross operating revenue in excess of fifty thousand dollars.

(a) The maximum regulatory fee is assessed each year, unless the commission issues an order establishing the regulatory fee at an amount less than the statutory maximum.

(b) The minimum regulatory fee that a water company must pay is twenty dollars.

(c) The twenty dollar minimum regulatory fee is waived for any water company with less than twenty thousand dollars in gross intrastate operating revenue.

(d) The commission does not grant extensions for payment of regulatory fees.

(e) If a company does not pay its regulatory fee by May 1, the commission will assess an automatic late fee of two percent of the amount due, plus one percent interest for each month the fee remains unpaid.

**AMENDATORY SECTION** (Amending Docket No. UT-990146, General Order No. R-507, filed 12/12/02, effective 7/1/03)

**WAC 480-120-303 Reporting requirements for competitively classified companies.** The commission will distribute an annual report form including a regulatory fee form. A competitively classified company must:

(1) Complete both forms, file them with the commission, and pay its regulatory fee, no later than May 1st of each year;

(2) Provide total number of access lines as required on the annual report form;

(3) Provide income statement and balance sheet for total company; and

(4) Provide revenues for Washington and Washington intrastate operations subject to commission jurisdiction.

(5) Regulatory fees. The telecommunications annual regulatory fee is set by statute at one tenth of one percent of the first fifty thousand dollars of gross intrastate operating revenue plus two tenths of one percent of any gross intrastate operating revenue in excess of fifty thousand dollars.

(a) The maximum regulatory fee is assessed each year, unless the commission issues an order establishing the regulatory fee at an amount less than the statutory maximum.

(b) The minimum regulatory fee that a company must pay is twenty dollars.

(c) The twenty dollar minimum regulatory fee is waived for any company with less than twenty thousand dollars in gross intrastate operating revenue.

(d) The commission does not grant extensions for payment of regulatory fees.

(e) If a company does not pay its regulatory fee by May 1, the commission will assess an automatic late fee of two percent of the amount due, plus one percent interest for each month the fee remains unpaid.

(f) The commission may take action to revoke a company's registration certificate if it fails to pay its regulatory fee.

**AMENDATORY SECTION** (Amending Docket No. UT-990146, General Order No. R-507, filed 12/12/02, effective 7/1/03)

**WAC 480-120-304 Reporting requirements for companies not classified as competitive.** (1) Annual reports for companies not classified as competitive. The commission will distribute an annual report form as specified in (c)(i), (ii), and (iii) of this subsection, and a regulatory fee form. A company not classified as competitive must:

(a) Complete both forms, file them with the commission, and pay its regulatory fee, no later than May 1 of each year;

(b) Provide total number of access lines as required on the annual report form; and

(c) Provide income statement and balance sheet for total company and results of operations for Washington and Washington intrastate.

(i) Class A companies that the FCC classified as Tier 1 telecommunications companies in Docket No. 86-182 must file annual report forms adopted by the FCC.

(ii) All other Class A companies must file annual reports on the form prescribed by the commission.

(iii) Class B companies must file annual reports as prescribed by RCW 80.04.530(2).

(2) Quarterly reports for companies not classified as competitive:

(a) All Class A companies must file results of operations quarterly.

(b) Each report will show monthly and twelve-months-ended data for each month of the quarter reported.

(c) The reports are due ninety days after the close of the period being reported, except for the fourth-quarter report which is due no later than May 1 of the following year.

(3) Methods used to determine Washington intrastate results of operations must be acceptable to the commission.

(4) This rule does not supersede any reporting requirements specified in a commission rule or order, or limit the commission's authority to request additional information.

(5) Regulatory fees. The telecommunications annual regulatory fee is set by statute at one tenth of one percent of the first fifty thousand dollars of gross intrastate operating

revenue plus two tenths of one percent of any gross intrastate operating revenue in excess of fifty thousand dollars.

(a) The maximum regulatory fee is assessed each year, unless the commission issues an order establishing the regulatory fee at an amount less than the statutory maximum.

(b) The minimum regulatory fee that a company must pay is twenty dollars.

(c) The twenty dollar minimum regulatory fee is waived for any company with less than twenty thousand dollars in gross intrastate operating revenue.

(d) The commission does not grant extensions for payment of regulatory fees.

(e) If a company does not pay its regulatory fee by May 1, the commission will assess an automatic late fee of two percent of the amount due, plus one percent interest for each month the fee remains unpaid.

### WSR 04-05-041

#### PERMANENT RULES

#### SECRETARY OF STATE

(Corporations Division)

[Filed February 12, 2004, 11:37 a.m.]

Date of Adoption: February 12, 2004.

Purpose: Section 4, chapter 34, Laws of 2003, directs the Office of the Secretary of State to adopt a classification schedule for the filing of trademarks. This section further directs that to the extent possible, the schedule of classification should conform to the schedule adopted by the United States Patent and Trademark Office (USPTO). This rule making adopts the USPTO schedule of goods and services for use under chapter 19.77 RCW, the State Trademark Act. This rule making also repeals a hearing process that is no longer authorized by chapter 19.77 RCW.

Citation of Existing Rules Affected by this Order: Repealing each section of chapter 434-12 WAC.

Statutory Authority for Adoption: RCW 19.77.115.

Adopted under notice filed as WSR 03-24-092 on December 3, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 22.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 0, Repealed 22.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

February 12, 2004

Steve Excell

Assistant Secretary of State

#### NEW SECTION

**WAC 434-12-015 Classification of goods and services.** (1) The corporations division adopts the following table for classification of goods and services:

#### **Goods**

1. Chemicals used in industry, science and photography, as well as in agriculture, horticulture and forestry; unprocessed artificial resins; unprocessed plastics; manures; fire extinguishing compositions; tempering and soldering preparations; chemical substances for preserving foodstuffs; tanning substances; adhesives used in industry.

2. Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colorants; mordants; raw natural resins; metals in foil and powder form for painters, decorators, printers and artists.

3. Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.

4. Industrial oils and greases; lubricants; dust absorbing, wetting and binding compositions; fuels (including motor spirit) and illuminants; candles, wicks.

5. Pharmaceutical, veterinary, and sanitary preparations; dietetic substances adapted for medical use, food for babies; plasters, materials for dressings; material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides.

6. Common metals and their alloys; metal building materials; transportable buildings of metal; materials of metal for railway tracks; nonelectric cables and wires of common metal; ironmongery, small items of metal hardware; pipes and tubes of metal; safes; goods of common metal not included in other classes; ores.

7. Machines and machine tools; motors and engines (except for land vehicles); machine coupling and transmission components (except for land vehicles); agricultural implements other than hand-operated; incubators for eggs.

8. Hand tools and implements (hand-operated); cutlery; side arms; razors.

9. Scientific, nautical, surveying, electric, photographic, cinematographic, optical, weighing, measuring, signaling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire extinguishing apparatus.

10. Surgical, medical, dental, and veterinary apparatus and instruments, artificial limbs, eyes, and teeth; orthopedic articles; suture materials.

11. Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply, and sanitary purposes.



12. Vehicles; apparatus for locomotion by land, air, or water.

13. Firearms; ammunition and projectiles; explosives; fireworks.

14. Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; jewelry, precious stones; horological and chronometric instruments.

15. Musical instruments.

16. Paper, cardboard and goods made from these materials, not included in other classes; printed matter; bookbinding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials; paint brushes; typewriters and office requisites (except furniture); instructional and teaching material (except apparatus); plastic materials for packaging (not included in other classes); playing cards; printers' type; printing blocks.

17. Rubber, gutta-percha, gum, asbestos, mica and goods made from these materials and not included in other classes; plastics in extruded form for use in manufacture; packing, stopping and insulating materials; flexible pipes, not of metal.

18. Leather and imitations of leather, and goods made of these materials and not included in other classes; animal skins, hides; trunks and traveling bags; umbrellas, parasols and walking sticks; whips, harness and saddlery.

19. Building materials (nonmetallic); nonmetallic rigid pipes for building; asphalt, pitch and bitumen; nonmetallic transportable buildings; monuments, not of metal.

20. Furniture, mirrors, picture frames; goods (not included in other classes) of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics.

21. Household or kitchen utensils and containers (not of precious metal or coated therewith); combs and sponges; brushes (except paint brushes); brush making materials; articles for cleaning purposes; steel wool; unworked or semi-worked glass (except glass used in building); glassware, porcelain and earthenware not included in other classes.

22. Ropes, string, nets, tents, awnings, tarpaulins, sails, sacks and bags (not included in other classes); padding and stuffing materials (except of rubber or plastics); raw fibrous textile materials.

23. Yarns and threads, for textile use.

24. Textiles and textile goods, not included in other classes; beds and table covers.

25. Clothing, footwear, headgear.

26. Lace and embroidery, ribbons and braid; buttons, hooks and eyes, pins and needles; artificial flowers.

27. Carpets, rugs, mats and matting, linoleum and other materials for covering existing floors; wall hangings (nontextile).

28. Games and playthings; gymnastic and sporting articles not included in other classes; decorations for Christmas trees.

29. Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, fruit sauces; eggs, milk and milk products; edible oils and fats.

30. Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, bread, pastry and confectionery, ices; honey, treacle; yeast, baking powder; salt, mustard; vinegar, sauces (condiments); spices; ice.

31. Agricultural, horticultural and forestry products and grains not included in other classes; live animals; fresh fruits and vegetables; seeds, natural plants and flowers; foodstuffs for animals; malt.

32. Beers; mineral and aerated waters and other nonalcoholic drinks; fruit drinks and fruit juices; syrups and other preparations for making beverages.

33. Alcoholic beverages (except beers).

34. Tobacco; smokers' articles; matches.

**Services**

35. Advertising; business management; business administration; office functions.

36. Insurance; financial affairs; monetary affairs; real estate affairs.

37. Building construction; repair; installation services.

38. Telecommunications.

39. Transport; packaging and storage of goods; travel arrangement.

40. Treatment of materials.

41. Education; providing of training; entertainment; sporting and cultural activities.

42. Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software; legal services.

43. Services for providing food and drink; temporary accommodations.

44. Medical services; veterinary services; hygienic and beauty care for human beings or animals; agriculture, horticulture and forestry services.

45. Personal and social services rendered by others to meet the needs of individuals; security services for the protection of property and individuals.

(2) This table is adopted from the schedule for classification of goods and services published by the United States Patent and Trademark Office.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 434-12-010	Authority and purpose.
WAC 434-12-020	Applicable statute.
WAC 434-12-030	Definitions.
WAC 434-12-040	Form of papers.
WAC 434-12-050	Caption.
WAC 434-12-060	Signing papers.
WAC 434-12-070	Verification.
WAC 434-12-080	Computation of time.

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WAC 434-12-090	Appearance and practice before secretary.
WAC 434-12-100	Service of process.
WAC 434-12-110	Joinder, consolidation.
WAC 434-12-120	Withdrawal of petition.
WAC 434-12-130	Notice of hearing.
WAC 434-12-140	Hearing examiner.
WAC 434-12-150	Motions.
WAC 434-12-160	Discovery.
WAC 434-12-170	Subpoenas.
WAC 434-12-180	Prehearing conference.
WAC 434-12-200	Hearings are public.
WAC 434-12-210	Rules of evidence.
WAC 434-12-220	Record.
WAC 434-12-230	Form and content of decision.

In 1996 the federal government replaced AFDC (aid to families with dependent children) with TANF (temporary assistance to needy families). This change makes the new WAC consistent with federal terminology.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

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

February 6, 2004

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**WSR 04-05-080**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Financial Services Administration)  
[Filed February 17, 2004, 4:31 p.m.]

Date of Adoption: February 6, 2004.

Purpose: Amending WAC 388-720-0020 that is used to determine the amounts owed by parents and other responsible parties, for the cost of support, treatment, and confinement of juveniles in custody.

Citation of Existing Rules Affected by this Order: Amending WAC 388-720-0020.

Statutory Authority for Adoption: RCW 13.40.220.

Adopted under notice filed as WSR 03-23-020 on November 10, 2003.

Changes Other than Editing from Proposed to Adopted Version: Replaced the term "AFDC" with the term "TANF."

AMENDATORY SECTION (Amending WSR 00-22-019, filed 10/20/00, effective 11/20/00)

**WAC 388-720-0020 Cost reimbursement schedule and ability to pay.** As provided for in RCW 13.40.220 the office of financial recovery may negotiate payment schedules and the methods used to satisfy costs of support, treatment and confinement with parents and other legally obligated persons, on behalf of the department. The results of the application of this rule may be appealed as provided for in RCW 13.490.220 (4) and (6) and Part IV Adjudicative Proceedings, of chapter 34.05 RCW, administrative Procedure Act. A parent or other legally obligated person shall pay a percentage of gross income to the department for the cost of support, treatment(,) and confinement of the juvenile ((in accordance with)). Ability to pay will be determined by the application of the information provided by a parent or other legally obligated person in the financial information statement to the reimbursement schedule below:

Monthly Gross Income	Percentage of Gross Income Ordered for Reimbursement of Costs							
	Number of Parents and Dependents Remaining in Household							
	1	2	3	4	5	6	7	8+
((AFDC)) <u>TANF</u> or \$0 - 600	0	0	0	0	0	0	0	0
\$601 - 1000	8%	6%	4%	2%	0	0	0	0
\$1001 - 2000	12%	10%	8%	6%	4%	2%	0	0
\$2001 - 3000	16%	14%	12%	10%	8%	6%	4%	2%
\$3001 - 4000+	18%	16%	14%	12%	10%	8%	6%	4%

(1) Within fifteen days of receipt((a parent shall mail to the department a certified)) of the financial information statement ((on forms provided by)), a parent or other legally obligated person shall complete, sign and mail the statement to

the department. Based on the statement and on other information available to it, the department shall determine the parent's gross income, the number of parents and dependents,

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and the reimbursement obligation, and shall serve on the parent a notice and finding of financial responsibility.

(2) If a parent or legally obligated person fails to timely provide a financial statement, the reimbursement obligation shall be twenty-three hundred dollars per month.

(3) If the juvenile's parents or other legally obligated person reside in separate households, each parent shall be liable for reimbursement.

(4) The gross income of a parent shall be reduced by the amount the parent pays in spousal maintenance to the juvenile's parent, which is gross income to the receiving parent. The gross income of a parent or other legally obligated person shall be reduced by the amount of current child support paid for any child, including the juvenile offender. This credit shall be available when the support is paid to any section of the department or to any other person legally entitled to receive those support payments, pursuant to court order or administrative order for a child the parent did not claim as a dependent under the reimbursement schedule.

(5) Reimbursement may not exceed the cost of care as determined by the department.

(6) The reimbursement obligation commences the day the juvenile enters the custody of the department, regardless of when the notice and finding of financial responsibility is received by the parent. A monthly reimbursement obligation shall be reduced on a pro rata basis for any days in which the juvenile was not in the custody of the department.

(7) The parent or other legally obligated person of the juvenile shall be exempt from the payment of the cost of the juvenile's care in the state facility if the parent or other legally obligated person receives adoption support or is eligible to receive adoption support for the juvenile offender; or if the parent, or other legally obligated person, or such person's child, spouse, or spouse's child, was the victim of the offense for which the juvenile was committed to the department.

#### WSR 04-05-087

##### PERMANENT RULES

#### FOREST PRACTICES BOARD

[Filed February 17, 2004, 4:53 p.m.]

Date of Adoption: February 11, 2004.

Purpose: Amend forest practices rules (Title 222 WAC) to incorporate the Pacific Seabird Group (PSG) protocol entitled, "Methods for Surveying Marbled Murrelets in Forests: A Revised Protocol for Land Management and Research," January 6, 2003, as the standard for surveying for marbled murrelets in forests.

Citation of Existing Rules Affected by this Order: Amending chapters 222-12 and 222-16 WAC.

Statutory Authority for Adoption: RCW 76.09.040.

Adopted under notice filed as WSR 03-24-112 on December 3, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 2, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

February 17, 2004

Pat McElroy

Chair

**AMENDATORY SECTION** (Amending WSR 01-12-042, filed 5/30/01, effective 7/1/01)

#### WAC 222-12-090 Forest practices board manual.

When approved by the board the manual serves as an advisory technical supplement to these forest practices rules. The department, in cooperation with the departments of fish and wildlife, agriculture, ecology, and such other agencies, affected Indian tribes, or interested parties as may have appropriate expertise, is directed to prepare, and submit to the board for approval, revisions to the forest practices board manual. The manual shall include:

(1) **Method for determination of adequate shade requirements on streams** needed for use with WAC 222-30-040.

(2) Standards for identifying channel migration zones and bankfull channel features.

(3) **Guidelines** for forest roads.

(4) **Guidelines** for clearing slash and debris from Type Np and Ns Waters.

(5) **Guidelines** for landing location and construction.

(6) **Guidelines** for determining acceptable stocking levels.

(7) **Guidelines** for riparian management zones.

(8) **Guidelines** for wetland delineation.

(9) **Guidelines** for wetland replacement or substitution.

(10) A list of nonnative wetland plant species.

(11) The standard methodology, which shall specify the quantitative methods, indices of resource conditions, and definitions, for conducting watershed analysis under chapter 222-22 WAC. The department, in consultation with Timber/Fish/Wildlife's Cooperative Monitoring, Evaluation and Research Committee (CMER), may make minor modifications to the version of the standard methodology approved by the board. Substantial amendments to the standard methodology requires approval by the board.

(12) **Guidelines** for forest chemicals.

(a) A list of special concerns related to aerial application of pesticides developed under WAC 222-16-070(3).

(b) Guidelines for aerial applications of pesticides and other forest chemicals under chapter 222-38 WAC.

(13) **Guidelines** for determining fish use for the purpose of typing waters under WAC 222-16-031.

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(14) **Survey protocol for marbled murrelets.** The Pacific Seabird Group survey protocol (~~(in effect March 1, 1997)~~ dated January 6, 2003, and formally titled *Methods for Surveying Marbled Murrelets in Forests: A Revised Protocol for Land Management and Research*, shall be used when surveying for marbled murrelets in a stand. Surveys (~~(conducted before the effective date of this rule)~~) are valid if they were conducted in (~~(substantial)~~) compliance with (~~(generally accepted)~~) the board-recognized Pacific Seabird Group survey protocols in effect at the beginning of the season in which (they) the surveys were conducted.

(15) The department shall, in consultation with the department of fish and wildlife, develop **platform protocols** for use by applicants in estimating the number of platforms, and by the department in reviewing and classifying forest practices under WAC 222-16-050. These protocols shall include:

(a) A sampling method to determine platforms per acre in the field;

(b) A method to predict the number of platforms per acre based on information measurable from typical forest inventories. The method shall be derived from regression models or other accepted statistical methodology, and incorporate the best available data; and

(c) Other methods determined to be reliable by the department, in consultation with the department of fish and wildlife.

(16) **Guidelines** for evaluating potentially unstable slopes and landforms.

(17) **Guidelines** for the small forest landowner forestry riparian easement program.

(18) **Guidelines** for riparian open space program.

(19) **Guidelines** for hardwood conversion.

(20) **Guidelines** for financial assurances.

(21) **Guidelines** for alternate plans.

(22) **Guidelines** for adaptive management program.

(23) **Guidelines** for field protocol to locate mapped divisions between stream types and perennial stream identification.

(24) **Guidelines** for interim modification of bull trout habitat overlay.

(25) **Guidelines** for bull trout presence survey protocol.

(26) **Guidelines** for placement strategy for woody debris in streams.

**AMENDATORY SECTION** (Amending WSR 01-12-042, filed 5/30/01, effective 7/1/01)

**WAC 222-16-010 General definitions.\*** Unless otherwise required by context, as used in these rules:

"**Act**" means the Forest Practices Act, chapter 76.09 RCW.

"**Affected Indian tribe**" means any federally recognized Indian tribe that requests in writing from the department information on forest practices applications and notification filed on specified areas.

"**Alluvial fan**" see "sensitive sites" definition.

"**Appeals board**" means the forest practices appeals board established in the act.

"**Aquatic resources**" means water quality, fish, the Columbia torrent salamander (*Rhyacotriton kezeri*), the Cascade torrent salamander (*Rhyacotriton cascadae*), the Olympic torrent salamander (*Rhyacotriton olympian*), the Dunn's salamander (*Plethodon dunni*), the Van Dyke's salamander (*Plethodon vandyke*), the Tailed frog (*Ascaphus truei*) and their respective habitats.

"**Area of resource sensitivity**" means areas identified in accordance with WAC 222-22-050 (2)(d) or 222-22-060(2).

"**Bankfull depth**" means the average vertical distance between the channel bed and the estimated water surface elevation required to completely fill the channel to a point above which water would enter the floodplain or intersect a terrace or hillslope. In cases where multiple channels exist, the bankfull depth is the average depth of all channels along the cross-section. (See board manual section 2.)

"**Bankfull width**" means:

(a) For streams - the measurement of the lateral extent of the water surface elevation perpendicular to the channel at bankfull depth. In cases where multiple channels exist, bankfull width is the sum of the individual channel widths along the cross-section (see board manual section 2).

(b) For lakes, ponds, and impoundments - line of mean high water.

(c) For tidal water - line of mean high tide.

(d) For periodically inundated areas of associated wetlands - line of periodic inundation, which will be found by examining the edge of inundation to ascertain where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland.

"**Basal area**" means the area in square feet of the cross section of a tree bole measured at 4 1/2 feet above the ground.

"**Bedrock hollows**" (colluvium-filled bedrock hollows, or hollows; also referred to as zero-order basins, swales, or bedrock depressions) means landforms that are commonly spoon-shaped areas of convergent topography within unchannelled valleys on hillslopes. (See board manual section 16 for identification criteria.)

"**Board**" means the forest practices board established by the act.

"**Bog**" means wetlands which have the following characteristics: Hydric organic soils (peat and/or muck) typically 16 inches or more in depth (except over bedrock or hardpan); and vegetation such as sphagnum moss, labrador tea, bog laurel, bog rosemary, sundews, and sedges; bogs may have an overstory of spruce, western Hemlock, lodgepole pine, cedar, whitepine, crabapple, or aspen, and may be associated with open water. This includes nutrient-poor fens. (See board manual section 8.)

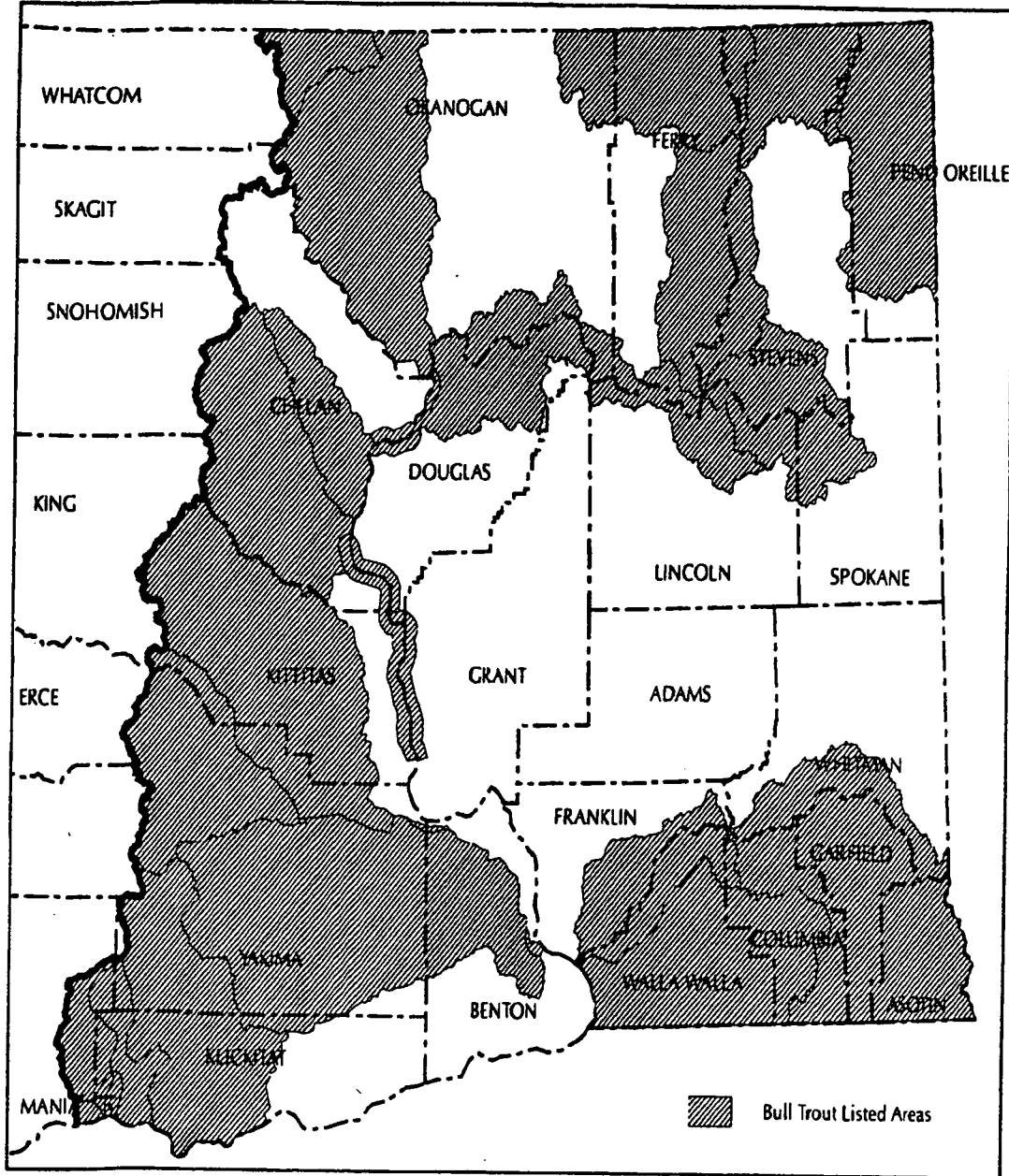
"**Borrow pit**" shall mean an excavation site outside the limits of construction to provide material necessary to that construction, such as fill material for the embankments.

"**Bull trout habitat overlay**" means those portions of Eastern Washington streams containing bull trout habitat as identified on the department of fish and wildlife's bull trout map. Prior to the development of a bull trout field protocol and the habitat-based predictive model, the "bull trout habitat overlay" map may be modified to allow for locally-based cor-

rections using current data, field knowledge, and best professional judgment. A landowner may meet with the departments of natural resources, fish and wildlife and, in consultation with affected tribes and federal biologists, determine whether certain stream reaches have habitat conditions that are unsuitable for supporting bull trout. If such a determination is mutually agreed upon, documentation submitted to the

department will result in the applicable stream reaches no longer being included within the definition of bull trout habitat overlay. Conversely, if suitable bull trout habitat is discovered outside the current mapped range, those waters will be included within the definition of "bull trout habitat overlay" by a similar process.

Bull Trout Overlay Map



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"Channel migration zone (CMZ)" means the area where the active channel of a stream is prone to move and this results in a potential near-term loss of riparian function and associated habitat adjacent to the stream. (See the board manual section 2 for descriptions and illustrations of CMZs, delineation guidelines), except as modified by a permanent

levee or dike. For this purpose, near-term means the time scale required to grow a mature forest.

"Chemicals" means substances applied to forest lands or timber including pesticides, fertilizers, and other forest chemicals.

"Clearcut" means a harvest method in which the entire stand of trees is removed in one timber harvesting operation.

Except as provided in WAC 222-30-110, an area remains clearcut until:

It meets the minimum stocking requirements under WAC 222-34-010(2) or 222-34-020(2); and

The largest trees qualifying for the minimum stocking levels have survived on the area for five growing seasons or, if not, they have reached an average height of four feet.

**"Columbia River Gorge National Scenic Area or CRGNSA"** means the area established pursuant to the Columbia River Gorge National Scenic Area Act, 16 U.S.C. §544b(a).

**"CRGNSA special management area"** means the areas designated in the Columbia River Gorge National Scenic Area Act, 16 U.S.C. §544b(b) or revised pursuant to 16 U.S.C. §544b(c). For purposes of this rule, the special management area shall not include any parcels excluded by 16 U.S.C. §544f(o).

**"CRGNSA special management area guidelines"** means the guidelines and land use designations for forest practices developed pursuant to 16 U.S.C. §544f contained in the CRGNSA management plan developed pursuant to 15 U.S.C. §544d.

**"Commercial tree species"** means any species which is capable of producing a merchantable stand of timber on the particular site, or which is being grown as part of a Christmas tree or ornamental tree-growing operation.

**"Completion of harvest"** means the latest of:

Completion of removal of timber from the portions of forest lands harvested in the smallest logical unit that will not be disturbed by continued logging or an approved slash disposal plan for adjacent areas; or

Scheduled completion of any slash disposal operations where the department and the applicant agree within 6 months of completion of yarding that slash disposal is necessary or desirable to facilitate reforestation and agree to a time schedule for such slash disposal; or

Scheduled completion of any site preparation or rehabilitation of adjoining lands approved at the time of approval of the application or receipt of a notification: Provided, That delay of reforestation under this paragraph is permitted only to the extent reforestation would prevent or unreasonably hinder such site preparation or rehabilitation of adjoining lands.

**"Constructed wetlands"** means those wetlands voluntarily developed by the landowner. Constructed wetlands do not include wetlands created, restored, or enhanced as part of a mitigation procedure or wetlands inadvertently created as a result of current or past practices including, but not limited to: Road construction, landing construction, railroad construction, or surface mining.

**"Contamination"** means introducing into the atmosphere, soil, or water, sufficient quantities of substances as may be injurious to public health, safety or welfare, or to domestic, commercial, industrial, agriculture or recreational uses, or to livestock, wildlife, fish or other aquatic life.

**"Convergent headwalls"** (or headwalls) means teardrop-shaped landforms, broad at the ridgetop and terminating where headwaters converge into a single channel; they are broadly concave both longitudinally and across the slope, but

may contain sharp ridges separating the headwater channels. (See board manual section 16 for identification criteria.)

**"Conversion option harvest plan"** means a voluntary plan developed by the landowner and approved by the local government entity indicating the limits of harvest areas, road locations, and open space.

**"Conversion to a use other than commercial timber operation"** shall mean a bona fide conversion to an active use which is incompatible with timber growing.

**"Cooperative habitat enhancement agreement (CHEA)"** see WAC 222-16-105.

**"Critical habitat (federal)"** means the habitat of any threatened or endangered species designated as critical habitat by the United States Secretary of the Interior or Commerce under Sections 3 (5)(A) and 4 (a)(3) of the Federal Endangered Species Act.

**"Critical nesting season"** means for marbled murrelets - April 1 to August 31.

**"Critical habitat (state)"** means those habitats designated by the board in accordance with WAC 222-16-080.

**"Cultural resources"** means archaeological and historic sites and artifacts and traditional religious, ceremonial and social uses and activities of affected Indian tribes.

**"Cumulative effects"** means the changes to the environment caused by the interaction of natural ecosystem processes with the effects of two or more forest practices.

**"Daily peak activity"** means for marbled murrelets - one hour before official sunrise to two hours after official sunrise and one hour before official sunset to one hour after official sunset.

**"Debris"** means woody vegetative residue less than 3 cubic feet in size resulting from forest practice activities which would reasonably be expected to cause significant damage to a public resource.

**"Deep-seated landslides"** means landslides in which most of the area of the slide plane or zone lies below the maximum rooting depth of forest trees, to depths of tens to hundreds of feet. (See board manual section 16 for identification criteria.)

**"Demographic support"** means providing sufficient suitable spotted owl habitat within the SOSEA to maintain the viability of northern spotted owl sites identified as necessary to meet the SOSEA goals.

**"Department"** means the department of natural resources.

**"Desired future condition (DFC)"** is a reference point on a pathway and not an endpoint for stands. DFC means the stand conditions of a mature riparian forest at 140 years of age, the midpoint between 80 and 200 years. Where basal area is the only stand attribute used to describe 140-year old stands, these are referred to as the "Target Basal Area."

**"Diameter at breast height (dbh)"** means the diameter of a tree at 4 1/2 feet above the ground measured from the uphill side.

**"Dispersal habitat"** see WAC 222-16-085(2).

**"Dispersal support"** means providing sufficient dispersal habitat for the interchange of northern spotted owls within or across the SOSEA, as necessary to meet SOSEA goals. Dispersal support is provided by a landscape consisting of stands of dispersal habitat interspersed with areas of

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higher quality habitat, such as suitable spotted owl habitat found within RMZs, WMZs or other required and voluntary leave areas.

**"Drainage structure"** means a construction technique or feature that is built to relieve surface runoff and/or intercepted ground water from roadside ditches to prevent excessive buildup in water volume and velocity. A drainage structure is not intended to carry any typed water. Drainage structures include structures such as: Cross drains, relief culverts,

ditch diversions, water bars, or other such structures demonstrated to be equally effective.

**"Eastern Washington"** means the geographic area in Washington east of the crest of the Cascade Mountains from the international border to the top of Mt. Adams, then east of the ridge line dividing the White Salmon River drainage from the Lewis River drainage and east of the ridge line dividing the Little White Salmon River drainage from the Wind River drainage to the Washington-Oregon state line.

Eastern Washington Definition Map



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**"Eastern Washington timber habitat types"** means elevation ranges associated with tree species assigned for the purpose of riparian management according to the following:

Timber Habitat Types	Elevation Ranges
ponderosa pine	0 - 2500 feet
mixed conifer	2501 - 5000 feet
high elevation	above 5000 feet

**"Edge"** of any water means the outer edge of the water's bankfull width or, where applicable, the outer edge of the associated channel migration zone.

**"End hauling"** means the removal and transportation of excavated material, pit or quarry overburden, or landing or road cut material from the excavation site to a deposit site not adjacent to the point of removal.

**"Equipment limitation zone"** means a 30-foot wide zone measured horizontally from the outer edge of the bankfull width of a Type Np or Ns Water. It applies to all perennial and seasonal nonfish bearing streams.

**"Erodible soils"** means those soils that, when exposed or displaced by a forest practice operation, would be readily moved by water.

**"Even-aged harvest methods"** means the following harvest methods:

- Clearcuts;
  - Seed tree harvests in which twenty or fewer trees per acre remain after harvest;
  - Shelterwood regeneration harvests in which twenty or fewer trees per acre remain after harvest;
  - Group or strip shelterwood harvests creating openings wider than two tree heights, based on dominant trees;
  - Shelterwood removal harvests which leave fewer than one hundred fifty trees per acre which are at least five years old or four feet in average height;
  - Partial cutting in which fewer than fifty trees per acre remain after harvest;
  - Overstory removal when more than five thousand board feet per acre is removed and fewer than fifty trees per acre at least ten feet in height remain after harvest; and
  - Other harvesting methods designed to manage for multiple age classes in which six or fewer trees per acre remain after harvest.
- Except as provided above for shelterwood removal harvests and overstory removal, trees counted as remaining after harvest shall be at least ten inches in diameter at breast height and have at least the top one-third of the stem supporting

green, live crowns. Except as provided in WAC 222-30-110, an area remains harvested by even-aged methods until it meets the minimum stocking requirements under WAC 222-34-010(2) or 222-34-020(2) and the largest trees qualifying for the minimum stocking levels have survived on the area for five growing seasons or, if not, they have reached an average height of four feet.

**"Fen"** means wetlands which have the following characteristics: Peat soils 16 inches or more in depth (except over bedrock); and vegetation such as certain sedges, hardstem bulrush and cattails; fens may have an overstory of spruce and may be associated with open water.

**"Fertilizers"** means any substance or any combination or mixture of substances used principally as a source of plant food or soil amendment.

**"Fill"** means the placement of earth material or aggregate for road or landing construction or other similar activities.

**"Fish"** means for purposes of these rules, species of the vertebrate taxonomic groups of *Cephalospidomorphi* and *Osteichthyes*.

**"Fish habitat"** means habitat, which is used by fish at any life stage at any time of the year including potential habitat likely to be used by fish, which could be recovered by restoration or management and includes off-channel habitat.

**"Flood level - 100 year."** Is a calculated flood event flow based on an engineering computation of flood magnitude that has a 1 percent chance of occurring in any given year. For purposes of field interpretation, landowners may use the following methods:

Flow information from gauging stations;

Field estimate of water level based on guidance for "Determining the 100-Year Flood Level" in the forest practices board manual section 2.

The 100-year flood level shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or under license from the federal government, the state, or a political subdivision of the state.

**"Forest land"** means all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing.

**"Forest land owner"** shall mean any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner: Provided, That any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of "forest land owner" unless such lessee or other person has the right to sell or otherwise dispose of any or all of the timber located on such forest land.

**"Forest practice"** means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

Road and trail construction;

Harvesting, final and intermediate;

Precommercial thinning;

Reforestation;

Fertilization;

Prevention and suppression of diseases and insects;

Salvage of trees; and

Brush control.

"Forest practice" shall not include: Forest species seed orchard operations and intensive forest nursery operations; or preparatory work such as tree marking, surveying and road flagging; or removal or harvest of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber or public resources.

**"Forest road"** means ways, lanes, roads, or driveways on forest land used since 1974 for forest practices or forest management activities such as fire control. "Forest roads" does not include skid trails, highways, or county roads except where the county is a forest landowner or operator.

**"Forest trees"** excludes trees cultivated by agricultural methods in growing cycles shorter than ten years: Provided, That Christmas trees are forest trees and: Provided further, That this exclusion applies only to trees planted on land that was not in forest use immediately before the trees were planted and before the land was prepared for planting the trees.

**"Full bench road"** means a road constructed on a side hill without using any of the material removed from the hillside as a part of the road. This construction technique is usually used on steep or unstable slopes.

**"Green recruitment trees"** means those trees left after harvest for the purpose of becoming future wildlife reserve trees under WAC 222-30-020(11).

**"Ground water recharge areas for glacial deep-seated slides"** means the area upgradient that can contribute water to the landslide, assuming that there is an impermeable perching layer in or under a deep-seated landslide in glacial deposits. (See board manual section 16 for identification criteria.)

**"Headwater spring"** means a permanent spring at the head of a perennial channel. Where a headwater spring can be found, it will coincide with the uppermost extent of Type Np Water.

**"Herbicide"** means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any tree, bush, weed or algae and other aquatic weeds.

**"Historic site"** includes:

Sites, areas and structures or other evidence of human activities illustrative of the origins, evolution and development of the nation, state or locality; or

Places associated with a personality important in history;

or

Places where significant historical events are known to have occurred even though no physical evidence of the event remains.

**"Horizontal distance"** means the distance between two points measured at a 0% slope.

**"Hyporheic"** means an area adjacent to and below channels where interstitial water is exchanged with channel water and water movement is mainly in the downstream direction.



**"Identified watershed processes"** means the following components of natural ecological processes that may in some instances be altered by forest practices in a watershed:

- Mass wasting;
- Surface and road erosion;
- Seasonal flows including hydrologic peak and low flows and annual yields (volume and timing);
- Large organic debris;
- Shading; and
- Stream bank and bed stability.

**"Inner gorges"** means canyons created by a combination of the downcutting action of a stream and mass movement on the slope walls; they commonly show evidence of recent movement, such as obvious landslides, vertical tracks of disturbance vegetation, or areas that are concave in contour and/or profile. (See board manual section 16 for identification criteria.)

**"Insecticide"** means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insect, other arthropods or mollusk pests.

**"Interdisciplinary team"** (ID Team) means a group of varying size comprised of individuals having specialized expertise, assembled by the department to respond to technical questions associated with a proposed forest practice activity.

**"Islands"** means any island surrounded by salt water in Kitsap, Mason, Jefferson, Pierce, King, Snohomish, Skagit, Whatcom, Island, or San Juan counties.

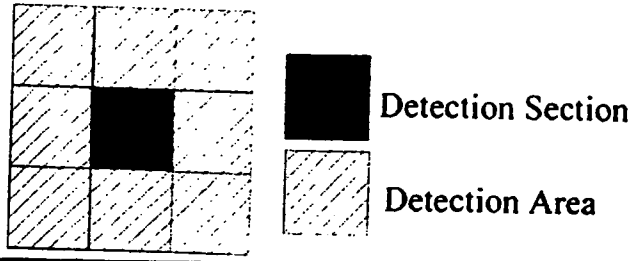
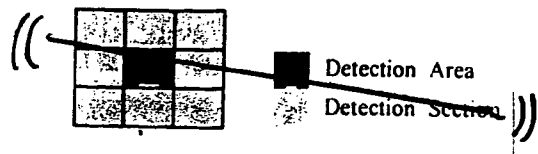
**"Limits of construction"** means the area occupied by the completed roadway or landing, including the cut bank, fill slope, and the area cleared for the purpose of constructing the roadway or landing.

**"Load bearing portion"** means that part of the road, landing, etc., which is supportive soil, earth, rock or other material directly below the working surface and only the associated earth structure necessary for support.

**"Local government entity"** means the governments of counties and the governments of cities and towns as defined in chapter 35.01 RCW.

**"Low impact harvest"** means use of any logging equipment, methods, or systems that minimize compaction or disturbance of soils and vegetation during the yarding process. The department shall determine such equipment, methods or systems in consultation with the department of ecology.

**"Marbled murrelet detection area"** means an area of land associated with a visual or audible detection of a marbled murrelet, made by a qualified surveyor which is documented and recorded in the department of fish and wildlife data base. The marbled murrelet detection area shall be comprised of the section of land in which the marbled murrelet detection was made and the eight sections of land immediately adjacent to that section.



**"Marbled murrelet nesting platform"** means any horizontal tree structure such as a limb, an area where a limb branches, a surface created by multiple leaders, a deformity, or a debris/moss platform or stick nest equal to or greater than 7 inches in diameter including associated moss if present, that is 50 feet or more above the ground in trees 32 inches dbh and greater (generally over 90 years of age) and is capable of supporting nesting by marbled murrelets.

**"Median home range circle"** means a circle, with a specified radius, centered on a spotted owl site center. The radius for the median home range circle in the Hoh-Clearwater/Coastal Link SOSEA is 2.7 miles; for all other SOSEAs the radius is 1.8 miles.

**"Merchantable stand of timber"** means a stand of trees that will yield logs and/or fiber:

Suitable in size and quality for the production of lumber, plywood, pulp or other forest products;  
Of sufficient value at least to cover all the costs of harvest and transportation to available markets.

**"Multiyear permit"** means a permit to conduct forest practices which is effective for longer than two years but no longer than five years.

**"Northern spotted owl site center"** means the location of status 1, 2 or 3 northern spotted owls based on the following definitions:

- Status 1: Pair or reproductive - a male and female heard and/or observed in close proximity to each other on the same visit, a female detected on a nest, or one or both adults observed with young.
- Status 2: Two birds, pair status unknown - the presence or response of two birds of opposite sex where pair status cannot be determined and where at least one member meets the resident territorial single requirements.
- Status 3: Resident territorial single - the presence or response of a single owl within the same general area on three or more occasions within a breeding season with no response by an owl of the opposite sex after a com-

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plete survey; or three or more responses over several years (i.e., two responses in year one and one response in year two, for the same general area).

In determining the existence, location, and status of northern spotted owl site centers, the department shall consult with the department of fish and wildlife and use only those sites documented in substantial compliance with guidelines or protocols and quality control methods established by and available from the department of fish and wildlife.

"Notice to comply" means a notice issued by the department pursuant to RCW 76.09.090 of the act and may require initiation and/or completion of action necessary to prevent, correct and/or compensate for material damage to public resources which resulted from forest practices.

"Occupied marbled murrelet site" means:

(1) A contiguous area of suitable marbled murrelet habitat where at least one of the following marbled murrelet behaviors or conditions occur:

- (a) A nest is located; or
- (b) Downy chicks or eggs or egg shells are found; or
- (c) Marbled murrelets are detected flying below, through, into or out of the forest canopy; or
- (d) Birds calling from a stationary location within the area; or
- (e) Birds circling above a timber stand within one tree height of the top of the canopy; or

(2) A contiguous forested area, which does not meet the definition of suitable marbled murrelet habitat, in which any of the behaviors or conditions listed above has been documented by the department of fish and wildlife and which is distinguishable from the adjacent forest based on vegetative characteristics important to nesting marbled murrelets.

(3) For sites defined in (1) and (2) above, the sites will be presumed to be occupied based upon observation of circling described in (1)(e), unless a two-year survey following the 2003 Pacific Seabird Group (PSG) protocol has been completed and an additional third-year of survey following a method listed below is completed and none of the behaviors or conditions listed in (1)(a) through (d) of this definition are observed. The landowner may choose one of the following methods for the third-year survey:

(a) Conduct a third-year survey with a minimum of nine visits conducted in compliance with 2003 PSG protocol. If one or more marbled murrelets are detected during any of these nine visits, three additional visits conducted in compliance with the protocol of the first nine visits shall be added to the third-year survey. Department of fish and wildlife shall be consulted prior to initiating third-year surveys; or

(b) Conduct a third-year survey designed in consultation with the department of fish and wildlife to meet site specific conditions.

(4) For sites defined in (1) above, the outer perimeter of the occupied site shall be presumed to be the closer, measured from the point where the observed behaviors or conditions listed in (1) above occurred, of the following:

- (a) 1.5 miles from the point where the observed behaviors or conditions listed in (1) above occurred; or

(b) The beginning of any gap greater than 300 feet wide lacking one or more of the vegetative characteristics listed under "suitable marbled murrelet habitat"; or

(c) The beginning of any narrow area of "suitable marbled murrelet habitat" less than 300 feet in width and more than 300 feet in length.

~~((4))~~ (5) For sites defined under (2) above, the outer perimeter of the occupied site shall be presumed to be the closer, measured from the point where the observed behaviors or conditions listed in (1) above occurred, of the following:

(a) 1.5 miles from the point where the observed behaviors or conditions listed in (1) above occurred; or

(b) The beginning of any gap greater than 300 feet wide lacking one or more of the distinguishing vegetative characteristics important to murrelets; or

(c) The beginning of any narrow area of suitable marbled murrelet habitat, comparable to the area where the observed behaviors or conditions listed in (1) above occurred, less than 300 feet in width and more than 300 feet in length.

~~((5))~~ (6) In determining the existence, location and status of occupied marbled murrelet sites, the department shall consult with the department of fish and wildlife and use only those sites documented in substantial compliance with guidelines or protocols and quality control methods established by and available from the department of fish and wildlife.

"Old forest habitat" see WAC 222-16-085 (1)(a).

"Operator" shall mean any person engaging in forest practices except an employee with wages as his/her sole compensation.

"Ordinary high-water mark" means the mark on the shores of all waters, which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation: Provided, That in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining saltwater shall be the line of mean high tide and the ordinary high-water mark adjoining freshwater shall be the line of mean high-water.

"Other forest chemicals" means fire retardants when used to control burning (other than water), nontoxic repellents, oil, dust-control agents (other than water), salt, and other chemicals used in forest management, except pesticides and fertilizers, that may present hazards to the environment.

"Park" means any park included on the parks register maintained by the department pursuant to WAC 222-20-100(2). Developed park recreation area means any park area developed for high density outdoor recreation use.

"Partial cutting" means the removal of a portion of the merchantable volume in a stand of timber so as to leave an uneven-aged stand of well-distributed residual, healthy trees that will reasonably utilize the productivity of the soil. Partial cutting does not include seedtree or shelterwood or other types of regeneration cutting.

"Pesticide" means any insecticide, herbicide, fungicide, or rodenticide, but does not include nontoxic repellents or other forest chemicals.

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**"Plantable area"** is an area capable of supporting a commercial stand of timber excluding lands devoted to permanent roads, utility rights-of-way, that portion of riparian management zones where scarification is not permitted, and any other area devoted to a use incompatible with commercial timber growing.

**"Power equipment"** means all machinery operated with fuel burning or electrical motors, including heavy machinery, chain saws, portable generators, pumps, and powered backpack devices.

**"Preferred tree species"** means the following species listed in descending order of priority for each timber habitat type:

<b>Ponderosa pine habitat type</b>	<b>Mixed conifer habitat type</b>
all hardwoods	all hardwoods
ponderosa pine	western larch
western larch	ponderosa pine
Douglas-fir	western red cedar
western red cedar	white pine
	Douglas-fir
	lodgepole pine

**"Public resources"** means water, fish, and wildlife and in addition shall mean capital improvements of the state or its political subdivisions.

**"Qualified surveyor"** means an individual who has successfully completed the marbled murrelet field training course offered by the department of fish and wildlife or its equivalent.

**"Rehabilitation"** means the act of renewing, or making usable and reforesting forest land which was poorly stocked or previously nonstocked with commercial species.

**"Resource characteristics"** means the following specific measurable characteristics of fish, water, and capital improvements of the state or its political subdivisions:

For fish and water:

Physical fish habitat, including temperature and turbidity;

Turbidity in hatchery water supplies; and

Turbidity and volume for areas of water supply.

For capital improvements of the state or its political subdivisions:

Physical or structural integrity.

If the methodology is developed and added to the manual to analyze the cumulative effects of forest practices on other characteristics of fish, water, and capital improvements of the state or its subdivisions, the board shall amend this list to include these characteristics.

**"Riparian function"** includes bank stability, the recruitment of woody debris, leaf litter fall, nutrients, sediment filtering, shade, and other riparian features that are important to both riparian forest and aquatic system conditions.

**"Riparian management zone (RMZ)"** means:

(1) **For Western Washington**

(a) The area protected on each side of a Type S or F Water measured horizontally from the outer edge of the bank-

full width or the outer edge of the CMZ, whichever is greater (see table below); and

Site Class	Western Washington Total RMZ Width
I	200'
II	170'
III	140'
IV	110'
V	90'

(b) The area protected on each side of Type Np Waters, measured horizontally from the outer edge of the bankfull width. (See WAC 222-30-021(2).)

(2) **For Eastern Washington**

(a) The area protected on each side of a Type S or F Water measured horizontally from the outer edge of the bankfull width or the outer edge of the CMZ, whichever is greater (see table below); and

Site Class	Eastern Washington Total RMZ Width
I	130'
II	110'
III	90' or 100'*
IV	75' or 100'*
V	75' or 100'*

\* Dependent upon stream size. (See WAC 222-30-022.)

(b) The area protected on each side of Type Np Waters, measured horizontally from the outer edge of the bankfull width. (See WAC 222-30-022(2).)

(3) **For exempt 20 acre parcels**, a specified area alongside Type S and F Waters where specific measures are taken to protect water quality and fish and wildlife habitat.

**"RMZ core zone"** means:

(1) **For Western Washington**, the 50 foot buffer of a Type S or F Water, measured horizontally from the outer edge of the bankfull width or the outer edge of the channel migration zone, whichever is greater. (See WAC 222-30-021.)

(2) **For Eastern Washington**, the 30 foot buffer of a Type S or F Water, measured horizontally from the outer edge of the bankfull width or the outer edge of the channel migration zone, whichever is greater. (See WAC 222-30-022.)

**"RMZ inner zone"** means:

(1) **For Western Washington**, the area measured horizontally from the outer boundary of the core zone of a Type S or F Water to the outer limit of the inner zone. The outer limit of the inner zone is determined based on the width of the affected water, site class and the management option chosen for timber harvest within the inner zone. (See WAC 222-30-021.)

(2) **For Eastern Washington**, the area measured horizontally from the outer boundary of the core zone 45 feet (for streams less than 15 feet wide) or 70 feet (for streams more than 15 feet wide) from the outer boundary of the core zone. (See WAC 222-30-022.)

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**"RMZ outer zone"** means the area measured horizontally between the outer boundary of the inner zone and the RMZ width as specified in the riparian management zone definition above. RMZ width is measured from the outer edge of the bankfull width or the outer edge of the channel migration zone, whichever is greater. (See WAC 222-30-021 and 222-30-022.)

**"Road construction"** means the establishment of any new sub-grade including widening, realignment, or modification of an existing road prism, with the exception of replacing or installing drainage structures, for the purposes of managing forest land under Title 222 WAC.

**"Road maintenance"** means any road work specifically related to maintaining water control or road safety and visibility (such as; grading, spot rocking, resurfacing, roadside vegetation control, water barring, ditch clean out, replacing or installing relief culverts, cleaning culvert inlets and outlets) on existing forest roads.

**"Rodenticide"** means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate rodents or any other vertebrate animal which the director of the state department of agriculture may declare by regulation to be a pest.

**"Salvage"** means the removal of snags, down logs, windthrow, or dead and dying material.

**"Scarification"** means loosening the topsoil and/or disrupting the forest floor in preparation for regeneration.

**"Sensitive sites"** are areas near or adjacent to Type Np Water and have one or more of the following:

(1) **Headwall seep** is a seep located at the toe of a cliff or other steep topographical feature and at the head of a Type Np Water which connects to the stream channel network via overland flow, and is characterized by loose substrate and/or fractured bedrock with perennial water at or near the surface throughout the year.

(2) **Side-slope seep** is a seep within 100 feet of a Type Np Water located on side-slopes which are greater than 20 percent, connected to the stream channel network via overland flow, and characterized by loose substrate and fractured bedrock, excluding muck with perennial water at or near the surface throughout the year. Water delivery to the Type Np channel is visible by someone standing in or near the stream.

(3) **Type Np intersection** is the intersection of two or more Type Np Waters.

(4) **Headwater spring** means a permanent spring at the head of a perennial channel. Where a headwater spring can be found, it will coincide with the uppermost extent of Type Np Water.

(5) **Alluvial fan** means an erosional land form consisting of cone-shaped deposit of water-borne, often coarse-sized sediments.

(a) The upstream end of the fan (cone apex) is typically characterized by a distinct increase in channel width where a stream emerges from a narrow valley;

(b) The downstream edge of the fan is defined as the sediment confluence with a higher order channel; and

(c) The lateral margins of a fan are characterized by distinct local changes in sediment elevation and often show disturbed vegetation.

Alluvial fan does not include features that were formed under climatic or geologic conditions which are not currently present or that are no longer dynamic.

**"Shorelines of the state"** shall have the same meaning as in RCW 90.58.030 (Shoreline Management Act).

**"Side casting"** means the act of moving excavated material to the side and depositing such material within the limits of construction or dumping over the side and outside the limits of construction.

**"Site class"** means a grouping of site indices that are used to determine the 50-year or 100-year site class. In order to determine site class, the landowner will obtain the site class index from the state soil survey, place it in the correct index range shown in the two tables provided in this definition, and select the corresponding site class. The site class will then drive the RMZ width. (See WAC 222-30-021 and 222-30-022.)

(1) **For Western Washington**

Site class	50-year site index range (state soil survey)
I	137+
II	119-136
III	97-118
IV	76-96
V	<75

(2) **For Eastern Washington**

Site class	100-year site index range (state soil survey)	50-year site index range (state soil survey)
I	120+	86+
II	101-120	72-85
III	81-100	58-71
IV	61-80	44-57
V	≤60	<44

(3) For purposes of this definition, the site index at any location will be the site index reported by the *Washington State Department of Natural Resources State Soil Survey*, (soil survey) and detailed in the associated forest soil summary sheets. If the soil survey does not report a site index for the location or indicates noncommercial or marginal forest land, or the major species table indicates red alder, the following apply:

(a) If the site index in the soil survey is for red alder, and the whole RMZ width is within that site index, then use site class V. If the red alder site index is only for a portion of the RMZ width, or there is on-site evidence that the site has historically supported conifer, then use the site class for conifer in the most physiographically similar adjacent soil polygon.

(b) In Western Washington, if no site index is reported in the soil survey, use the site class for conifer in the most physiographically similar adjacent soil polygon.

(c) In Eastern Washington, if no site index is reported in the soil survey, assume site class III, unless site specific information indicates otherwise.

PERMANENT

(d) If the site index is noncommercial or marginally commercial, then use site class V.

See also section 7 of the board manual.

**"Site preparation"** means those activities associated with the removal of slash in preparing a site for planting and shall include scarification and/or slash burning.

**"Skid trail"** means a route used by tracked or wheeled skidders to move logs to a landing or road.

**"Slash"** means pieces of woody material containing more than 3 cubic feet resulting from forest practice activities.

**"SOSEA goals"** means the goals specified for a spotted owl special emphasis area as identified on the SOSEA maps (see WAC 222-16-086). SOSEA goals provide for demographic and/or dispersal support as necessary to complement the northern spotted owl protection strategies on federal land within or adjacent to the SOSEA.

**"Spoil"** means excess material removed as overburden or generated during road or landing construction which is not used within limits of construction.

**"Spotted owl dispersal habitat"** see WAC 222-16-085(2).

**"Spotted owl special emphasis areas (SOSEA)"** means the geographic areas as mapped in WAC 222-16-086. Detailed maps of the SOSEAs indicating the boundaries and goals are available from the department at its regional offices.

**"Stop work order"** means the "stop work order" defined in RCW 76.09.080 of the act and may be issued by the department to stop violations of the forest practices chapter or to prevent damage and/or to correct and/or compensate for damages to public resources resulting from forest practices.

**"Stream-adjacent parallel roads"** means roads (including associated right-of-way clearing) in a riparian management zone on a property that have an alignment that is parallel to the general alignment of the stream, including roads used by others under easements or cooperative road agreements. Also included are stream crossings where the alignment of the road continues to parallel the stream for more than 250 feet on either side of the stream. Not included are federal, state, county or municipal roads that are not subject to forest practices rules, or roads of another adjacent landowner.

**"Sub-mature habitat"** see WAC 222-16-085 (1)(b).

**"Suitable marbled murrelet habitat"** means a contiguous forested area containing trees capable of providing nesting opportunities:

(1) With all of the following indicators unless the department, in consultation with the department of fish and wildlife, has determined that the habitat is not likely to be occupied by marbled murrelets:

(a) Within 50 miles of marine waters;

(b) At least 40% of the dominant and codominant trees are Douglas-fir, western hemlock, western red cedar or sitka spruce;

(c) Two or more nesting platforms per acre;

(d) At least 7 acres in size, including the contiguous forested area within 300 feet of nesting platforms, with similar forest stand characteristics (age, species composition, forest

structure) to the forested area in which the nesting platforms occur.

**"Suitable spotted owl habitat"** see WAC 222-16-085(1).

**"Temporary road"** means a forest road that is constructed and intended for use during the life of an approved forest practices application/notification. All temporary roads must be abandoned in accordance to WAC 222-24-052(3).

**"Threaten public safety"** means to increase the risk to the public at large from snow avalanches, identified in consultation with the department of transportation or a local government, or landslides or debris torrents caused or triggered by forest practices.

**"Threatened or endangered species"** means all species of wildlife listed as "threatened" or "endangered" by the United States Secretary of the Interior or Commerce, and all species of wildlife designated as "threatened" or "endangered" by the Washington fish and wildlife commission.

**"Timber"** shall mean forest trees, standing or down, of a commercial species, including Christmas trees.

**"Unconfined avulsing stream"** means generally fifth order or larger waters that experience abrupt shifts in channel location, creating a complex flood plain characterized by extensive gravel bars, disturbance species of vegetation of variable age, numerous side channels, wall-based channels, oxbow lakes, and wetland complexes. Many of these streams have dikes and levees that may temporarily or permanently restrict channel movement.

**"Water bar"** means a diversion ditch and/or hump in a trail or road for the purpose of carrying surface water runoff into the vegetation duff, ditch, or other dispersion area so that it does not gain the volume and velocity which causes soil movement and erosion.

**"Watershed administrative unit (WAU)"** means an area shown on the map specified in WAC 222-22-020(1).

**"Watershed analysis"** means, for a given WAU, the assessment completed under WAC 222-22-050 or 222-22-060 together with the prescriptions selected under WAC 222-22-070 and shall include assessments completed under WAC 222-22-050 where there are no areas of resource sensitivity.

**"Weed"** is any plant which tends to overgrow or choke out more desirable vegetation.

**"Western Washington"** means the geographic area of Washington west of the Cascade crest and the drainages defined in Eastern Washington.

**"Wetland"** means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, such as swamps, bogs, fens, and similar areas. This includes wetlands created, restored, or enhanced as part of a mitigation procedure. This does not include constructed wetlands or the following surface waters of the state intentionally constructed from wetland sites: Irrigation and drainage ditches, grass lined swales, canals, agricultural detention facilities, farm ponds, and landscape amenities.

**"Wetland functions"** include the protection of water quality and quantity, providing fish and wildlife habitat, and the production of timber.

**"Wetland management zone"** means a specified area adjacent to Type A and B Wetlands where specific measures are taken to protect the wetland functions.

**"Wildlife"** means all species of the animal kingdom whose members exist in Washington in a wild state. The term "wildlife" includes, but is not limited to, any mammal, bird, reptile, amphibian, fish, or invertebrate, at any stage of development. The term "wildlife" does not include feral domestic mammals or the family Muridae of the order Rodentia (old world rats and mice).

**"Wildlife reserve trees"** means those defective, dead, damaged, or dying trees which provide or have the potential to provide habitat for those wildlife species dependent on standing trees. Wildlife reserve trees are categorized as follows:

Type 1 wildlife reserve trees are defective or deformed live trees that have observably sound tops, limbs, trunks, and roots. They may have part of the top broken out or have evidence of other severe defects that include: "Cat face," animal chewing, old logging wounds, weather injury, insect attack, or lightning strike. Unless approved by the landowner, only green trees with visible cavities, nests, or obvious severe defects capable of supporting cavity dependent species shall be considered as Type 1 wildlife reserve trees. These trees must be stable and pose the least hazard for workers.

Type 2 wildlife reserve trees are dead Type 1 trees with sound tops, limbs, trunks, and roots.

Type 3 wildlife reserve trees are live or dead trees with unstable tops or upper portions. Unless approved by the landowner, only green trees with visible cavities, nests, or obvious severe defects capable of supporting cavity dependent species shall be considered as Type 3 wildlife reserve trees. Although the roots and main portion of the trunk are sound, these reserve trees pose high hazard because of the defect in live or dead wood higher up in the tree.

Type 4 wildlife reserve trees are live or dead trees with unstable trunks or roots, with or without bark. This includes "soft snags" as well as live trees with unstable roots caused by root rot or fire. These trees are unstable and pose a high hazard to workers.

**"Windthrow"** means a natural process by which trees are uprooted or sustain severe trunk damage by the wind.

**"Yarding corridor"** means a narrow, linear path through a riparian management zone to allow suspended cables necessary to support cable logging methods or suspended or partially suspended logs to be transported through these areas by cable logging methods.

**"Young forest marginal habitat"** see WAC 222-16-085 (1)(b).

## WSR 04-05-089

### PERMANENT RULES

### HORSE RACING COMMISSION

[Filed February 18, 2004, 8:12 a.m.]

Date of Adoption: February 12, 2004.

Purpose: To amend sections of chapter 260-08 WAC dealing with public records and public disclosure.

Citation of Existing Rules Affected by this Order: Repealing WAC 260-08-600 Disclaimer of public liability, 260-08-610 Public records—Officer and 260-08-640 Exemptions; and amending WAC 260-08-620 Requests for public records, 260-08-630 Copying fees, 260-08-650 Review of denials of public records, and 260-08-660 Protection of public records.

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 04-02-031 on December 31, 2004 [2003].

Changes Other than Editing from Proposed to Adopted Version: WAC 260-08-620(2) the phrase "including e-mail" is added after "by mail."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 4, Repealed 3.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 4, Repealed 3.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 4, Repealed 3; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

February 13, 2004

R. M. Leichner

Executive Secretary

**AMENDATORY SECTION** (Amending WSR 93-24-016, filed 11/19/93, effective 12/20/93)

**WAC 260-08-620 Requests for public records.** Persons requesting opportunity to copy or inspect the commission's public records shall follow these procedures:

(1) ~~((Informal oral requests may be made to the commission's main office.~~

~~(2) The commission may require a person who has made an informal request to submit a formal written request.~~

~~(3)) All requests to copy or inspect public records shall be made in writing.~~

(2) All ~~((formal))~~ requests shall be submitted by mail, including e-mail, or personally to the commission's main office.

~~((4)) (3) Each ((formal)) request shall include the following information:~~

(a) The name of the person or persons making the request.

(b) The ~~((time of day and))~~ calendar date on which the request is made.

(c) The nature of the request, including description of the requested records by title, subject matter, date and other means of enabling the staff of the commission to identify the requested records and make them available.

(d) A signed statement that the material will not be used for commercial purposes, in the event that a list of any type is included in the material requested.

~~((§))~~ (4) The staff of the commission shall assist any person making a request ~~((, whether formal or informal,))~~ in identifying the requested record or records ~~((but in the case of formal request)),~~ and return the ~~((formal))~~ request for resubmission with additional description of the requested records.

**AMENDATORY SECTION** (Amending WSR 93-24-016, filed 11/19/93, effective 12/20/93)

**WAC 260-08-630 Copying fees.** No fee shall be charged for the inspection of public records. The commission may charge a fee per page, as provided in RCW 42.17.300 for providing copies of public records and for use of the office's copy equipment, ~~((subject to a minimum charge per order of \$1.00,))~~ plus postage at actual cost if the records are mailed. This charge is the amount necessary to reimburse the office for its actual costs incident to such copying and mailing ~~((or transmission)).~~

**AMENDATORY SECTION** (Amending WSR 93-24-016, filed 11/19/93, effective 12/20/93)

**WAC 260-08-650 Review of denials of public records.** (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review to the commission's main office. The written request shall specifically refer to the written statement by the ~~((public information officer or other))~~ staff member, which constituted or accompanied the denial and must be made in writing prior to the end of the second business day following the denial.

(2) After receiving a written request for review of a decision denying a public record, the ~~((public records officer or other))~~ staff member denying the request shall refer it to the ~~((chairperson of the commission))~~ executive secretary or his or her designee. The ~~((chairperson of the commission))~~ executive secretary or designee shall immediately consider the matter and either affirm or reverse such denial, in whole or in part, within ~~((five))~~ two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the ~~((chairperson of the commission))~~ executive secretary or his or her designee has returned the petition with a decision or until the close of the ~~((fifth))~~ second business day following denial of inspection, whichever occurs first.

**AMENDATORY SECTION** (Amending WSR 93-24-016, filed 11/19/93, effective 12/20/93)

**WAC 260-08-660 Protection of public records.** (1) No person shall knowingly alter, deface, or destroy public records of the commission.

(2) Original copies of public records shall not be removed from premises where maintained by the office.

(3) Care and safekeeping of public records of the commission, furnished pursuant to a request for inspection or copying, shall be the sole responsibility of the requestor.

(4) Records furnished for public inspection or copying shall be returned in good condition and in the same file sequence or organization as when furnished.

(5) ~~((Boisterous or otherwise disruptive conduct by those requesting public records of the commission shall not be permitted.))~~ Persons requesting, inspecting, or copying public records shall not disrupt the commission office.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 260-08-600	Disclaimer of public liability.
WAC 260-08-610	Public records—Officer.
WAC 260-08-640	Exemptions.

#### **WSR 04-05-090**

#### **PERMANENT RULES**

#### **HORSE RACING COMMISSION**

[Filed February 18, 2004, 8:13 a.m.]

Date of Adoption: February 12, 2004.

Purpose: To eliminate the reference to "compensated on a per race day basis" from the definition of regulatory employee in WAC 260-14-010.

Citation of Existing Rules Affected by this Order: Amending WAC 260-14-010 Definitions.

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 04-02-032 on December 31, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

February 13, 2004

R. M. Leichner

Executive Secretary

**AMENDATORY SECTION** (Amending Order 83-04, filed 9/19/83)

**WAC 260-14-010 Definitions.** For the purposes of chapter 260-14 WAC, unless otherwise indicated by the con-

text in which the term is used, the following terms shall have the meaning set forth herein:

(1) "Commissioner," shall mean any member of the Washington state horse racing commission, and any member of the immediate family of such commissioner.

(2) "Employee," shall mean any full or part time employee of the commission not normally engaged in direct regulatory functions. Included in such group are the executive secretary, Olympia office personnel, and registration clerks.

(3) "Regulatory employee," shall include all of the officials named in WAC 260-24-010 and any other employee (~~(compensated on a per race day basis or)~~) engaged in direct regulatory functions.

(4) "Thing of economic value," shall have the same meaning as that term has in chapter ~~((42-18))~~ 42.52 RCW.

required in RCW 67.16.102. The one percent owners bonus funds collected from each licensee shall be paid in accordance with RCW 67.16.102 at the end of the race meet to the licensed owners of Washington bred horses finishing first, second, third and fourth in the licensee's race meet. The formula for the equitable distribution of the one percent Washington bred owners bonus funds shall be as follows:

(1) Calculate the payment factor by dividing the total one percent Washington bred owners bonus funds collected at the race meet by the total amount of winnings (earnings) of the Washington bred horses finishing first, second, third, and fourth in the race meet.

(2) Multiply the winnings (earnings) of each Washington bred owner by the payment factor to determine the amount of the one percent Washington bred owner's bonus to be paid to the owner.

#### WSR 04-05-091

##### PERMANENT RULES

#### HORSE RACING COMMISSION

[Filed February 18, 2004, 8:14 a.m.]

Date of Adoption: February 12, 2004.

Purpose: To create a new rule to comply with the requirements of RCW 67.16.102(1), which requires the commission, prior to the commencement of each race meet, promulgate an equitable distribution formula from which owners bonus funds will be awarded.

Statutory Authority for Adoption: RCW 67.16.020.

Other Authority: RCW 67.16.102.

Adopted under notice filed as WSR 04-02-033 on December 31, 2004 [2003].

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 1, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

February 13, 2004

R. M. Leichner  
Executive Secretary

#### NEW SECTION

**WAC 260-16-065 Washington bred owners bonus distribution formula.** The one percent Washington bred owners bonus funds shall be collected and distributed as

#### WSR 04-05-092

##### PERMANENT RULES

#### HORSE RACING COMMISSION

[Filed February 18, 2004, 8:15 a.m.]

Date of Adoption: February 12, 2004.

Purpose: To repeal WAC 260-28-140 Employment of persons under sixteen.

Citation of Existing Rules Affected by this Order: Repealing WAC 260-28-140 Employment of persons under sixteen.

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 04-02-034 on December 31, 2004 [2003].

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 1; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

February 13, 2004

R. M. Leichner  
Executive Secretary

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 260-28-140

Employment of persons under sixteen.



**WSR 04-05-093**  
**PERMANENT RULES**  
**HORSE RACING COMMISSION**

[Filed February 18, 2004, 8:17 a.m.]

Date of Adoption: February 12, 2004.

Purpose: To amend two sections in chapter 260-60 WAC to (1) eliminate confusion over signing requirements for joint owners and (2) to change language to clarify ambiguity.

Citation of Existing Rules Affected by this Order: Amending WAC 260-60-350 Requirements of a claim and 260-60-360 Stewards to act on claim.

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 04-02-035 on December 31, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 2, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

February 13, 2004

R. M. Leichner

Executive Secretary

**AMENDATORY SECTION** (Amending WSR 96-12-008, filed 5/23/96, effective 6/23/96)

**WAC 260-60-350 Requirements for a claim.** (1) Claims must be made in writing and signed by an owner, a licensed prospective owner, or an authorized agent; and

(2) Shall be made on forms and in envelopes furnished by the association and approved by the commission. Both forms and envelopes must be filled out completely, and must be sufficiently accurate to identify the claim.

(3) In the case of joint ownership only one owner needs to sign.

(4) No money shall accompany the claim. Each person desiring to make a claim, must first establish an account with the racing association and have on deposit with the association the whole amount of the claim (including any applicable taxes). The deposit shall be in cash, or in the discretion of the association, a certified or bank cashier check.

~~((4))~~ (5) Claims shall be deposited in the claiming box at least fifteen minutes before the established post time of the race for which the claim is filed. When a claim has been filed it is irrevocable and at the risk of claimant.

~~((5))~~ (6) When a claiming certificate is to be used, that certificate must accompany the claim, or the claim may be declared void.

**AMENDATORY SECTION** (Amending WSR 96-12-008, filed 5/23/96, effective 6/23/96)

**WAC 260-60-360 Stewards to act on claims.** After deposit of the claim the stewards or their authorized representative, shall review the claim. Unless approved at such time, the claim shall be ~~((declared))~~ deemed void. A ruling ~~((declaring))~~ deeming a claim to be void shall be final in all respects.

**WSR 04-05-094**  
**PERMANENT RULES**  
**HORSE RACING COMMISSION**

[Filed February 18, 2004, 8:18 a.m.]

Date of Adoption: February 12, 2004.

Purpose: To establish a new section in chapter 260-70 WAC prohibiting certain practices that has been shown to endanger the health of a horse and the safety of the rider.

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 04-02-036 on December 31, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 1, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

February 13, 2004

R. M. Leichner

Executive Secretary

**NEW SECTION**

**WAC 260-70-545 Prohibited practices.** The following are considered prohibited practices:

(1) The possession or use of a drug, substance or medication, specified below, on the premises of a facility under the jurisdiction of the regulatory body for which a recognized analytical method has not been developed to detect and confirm the administration of such substance; or the use of which may endanger the health and welfare of the horse or endanger the safety of the rider or driver; or the use of which may adversely affect the integrity of racing;

- (a) Erythropoietin
- (b) Darbepoietin
- (c) Oxyglobin
- (d) Hemopure

(2) The possession or use of a drug, substance, or medication on the premises of a facility under the jurisdiction of the regulatory body that has not been approved by the United States Food and Drug Administration (FDA) for use in the United States.

(3) The practice, administration or application of a treatment, procedure, therapy or method identified below, which is performed on the premises of any facility under jurisdiction of the commission and which may endanger the health and welfare of the horse, endanger the safety of the rider, or the use of which may adversely affect the integrity of horse racing:

- (a) Intermittent Hypoxic Treatment by External Device

**WSR 04-05-095**

**PERMANENT RULES**

**HORSE RACING COMMISSION**

[Filed February 18, 2004, 8:20 a.m.]

Date of Adoption: February 12, 2004.

Purpose: To amend WAC 260-70-630 to remove caffeine from the list of permitted medications and move it instead to a newly created list of substances referred to as environmental contaminants.

Citation of Existing Rules Affected by this Order: Amending WAC 260-70-630 Threshold levels.

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 04-02-037 on December 31, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

February 13, 2004

R. M. Leichner  
Executive Secretary

AMENDATORY SECTION (Amending WSR 03-11-019, filed 5/12/03, effective 6/12/03)

**WAC 260-70-630 Threshold levels.** (1) The following quantitative medication levels are permissible in test samples up to the stated quantitative levels:

Procaine	25 ng/ml urine
Benzocaine	50 ng/ml urine
Mepivacaine	10 ng/ml urine
Lidocaine	50 ng/ml urine
Bupivacaine	5 ng/ml urine
Clenbuterol	5 ng/ml urine
Acepromazine	25 ng/ml urine
Promazine	25 ng/ml urine
((Caffeine	<del>100 ng/ml urine</del> )
Salicylates	750 ng/ml urine

The official urine test sample may not contain more than one of the above drug substances, including their metabolites or analogs, in an amount up to the specified level. Official blood test samples must not contain any of the drug substances listed in this rule, including their metabolites or analogs.

(2) The following substances shall be considered environmental contaminants and are permissible in test samples up to the stated quantitative levels:

Caffeine	100 ng/ml urine
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Official blood test samples must not contain any of the substances listed in this rule, including their metabolites or analogs.

**WSR 04-05-096**

**PERMANENT RULES**

**HORSE RACING COMMISSION**

[Filed February 18, 2004, 8:21 a.m.]

Date of Adoption: February 12, 2004.

Purpose: To amend WAC 260-88-010 Appeals to the commission to eliminate the requirement for a person wishing to have a matter appealed to the commission first pay a \$100 appearance deposit.

Citation of Existing Rules Affected by this Order: Amending WAC 260-88-010.

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 04-02-038 on December 31, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

PERMANENT

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

February 13, 2004

R. M. Leichner  
Executive Secretary

**AMENDATORY SECTION** (Amending WSR 00-07-043, filed 3/6/00, effective 4/6/00)

**WAC 260-88-010 Appeal to the commission.** Any person against whom a ruling is made by the stewards may appeal the ruling to the commission. However, a decision concerning the disqualification or nondisqualification of a horse due to a foul or riding infraction during the running of a race is final and may not be appealed to the commission.

(1) Appeals must be filed with an office of the commission within twenty days of the date of the stewards' ruling.

(2) The appeal must include: the name, address, telephone number and the signature of the person making the appeal and a statement of the basis of the appeal.

~~(3) ((The appeal shall be accompanied by an appearance deposit in the amount of \$100.00. At the time and place scheduled for the hearing before the commission, and at such time as the appellant appears for the hearing, the deposit shall be refunded. Should the appellant fail to appear for the hearing without a showing of good cause, the deposit shall be forfeited.~~

(4)) The commission will conduct an adjudication according to the provisions of chapter 34.05 RCW Administrative Procedure Act and chapter 260-08 WAC Practice and Procedure.

((5)) (4) On notification by the commission that an appeal has been filed, the stewards shall forward to the commission the record of the proceeding on which the appeal is based.

((6)) (5) Any person bringing an appeal will be heard in person or by counsel. A person bringing an appeal may submit his or her case entirely in writing, provided this is specified at the time of the filing of the appeal with the commission and this procedure is given written approval by the commission.

((7)) (6) All communications to the commission with respect to an appeal must be in writing, and all papers filed with the commission shall be the property of the commission.

((8)) (7) An appeal from a decision of a racing official to the commission shall not affect such decision until the appeal has been acted upon by the commission, unless otherwise ordered by the commission or by a court of competent jurisdiction. Upon a showing of good cause, the commission may stay the effect of any ruling of the stewards pending commission review of the ruling. The granting of such a stay shall carry no presumption as to the validity of the stewards' ruling. The commission may lift such a stay pending appeal if appropriate.

**WSR 04-05-117**  
**PERMANENT RULES**  
**DEPARTMENT OF AGRICULTURE**

[Filed February 18, 2004, 10:20 a.m.]

Date of Adoption: February 18, 2004.

Purpose: This rule-making order repeals chapter 16-449 WAC, Washington controlled atmosphere storage requirements for winter pears; chapter 16-459 WAC, Controlled atmosphere storage; and chapter 16-690 WAC, Fruit storage, and adopts new chapter 16-450 WAC, Controlled atmosphere storage requirements for Washington fruits and vegetables, in their place. Chapter 16-450 WAC is written in a clear and readable style that retains the relevant content of the three repealed chapters while eliminating outdated and redundant rule content. No new requirements are introduced into chapter 16-450 WAC.

Citation of Existing Rules Affected by this Order: Repealing chapters 16-449, 16-459 and 16-690 WAC in their entirety.

Statutory Authority for Adoption: Chapters 15.17 and 34.05 RCW.

Adopted under notice filed as WSR 04-01-185 on December 23, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 19, Amended 0, Repealed 20.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 19, Amended 0, Repealed 20.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 19, Amended 0, Repealed 20.

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

February 18, 2004

Valoria Loveland

Director

**Chapter 16-450 WAC**

**CONTROLLED ATMOSPHERE STORAGE REQUIREMENTS FOR WASHINGTON FRUITS AND VEGETABLES**

**NEW SECTION**

**WAC 16-450-005 What definitions are important to this chapter? "Department"** means the Washington state department of agriculture (WSDA).

**"Director"** means the director of the Washington state department of agriculture or the director's designee.

**"Person"** means an individual, firm, partnership, corporation, or association.

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"CA number" means the license number assigned to a facility by the director.

#### NEW SECTION

**WAC 16-450-010 What are "controlled atmosphere fruits and vegetables"?** "Controlled atmosphere fruits and vegetables" are fruits and vegetables that are:

(1) Inspected by the director of the Washington state department of agriculture (WSDA) or the director's designee;

(2) Stored in containers or subcontainers marked with a CA number and either a dated state lot number or a sequential state lot number; and

(3) Identified by a certificate documenting:

(a) Their quality and condition;

(b) That they have been stored in a CA facility licensed according to the requirements of this chapter; and

(c) That they comply with all of the requirements of this chapter.

#### NEW SECTION

**WAC 16-450-012 Where must the letters "CA" appear?** The letters "CA" or a similar designation must appear only on containers or subcontainers of fruits or vegetables that comply with the requirements of this chapter.

#### NEW SECTION

**WAC 16-450-014 When must controlled atmosphere fruit enter commercial trade channels?** (1) Controlled atmosphere (CA) fruits or vegetables must enter commercial trade channels within two weeks following a CA inspection and certification.

(2) If the CA fruits and/or vegetables do not enter commercial channels within the two weeks following a CA inspection and certification, they must be reinspected to meet controlled atmosphere conditions and maturity requirements before they are shipped.

#### NEW SECTION

**WAC 16-450-016 What is controlled atmosphere storage?** (1) Controlled atmosphere storage is an area of one or more rooms in a facility where atmospheric gases are controlled by amount and degrees of temperature.

(2) The purpose of a controlled atmosphere storage area is to control the condition and maturity of any fresh fruits or vegetables stored there so when those fruits and vegetables are removed from storage they can be designated as having been exposed to controlled atmosphere.

#### NEW SECTION

**WAC 16-450-020 Is a license required to operate or lease a controlled atmosphere storage facility in Washington state?** (1) Before any person can operate or lease a controlled atmosphere storage facility, they must obtain a license from the department. These are annual licenses that expire each year on August 31.

(2) When the WSDA director issues a controlled atmosphere storage facility license, the licensee receives a facility number preceded by the letters "WN CA" or "WA CA."

(a) These letters and numbers are the "CA number" of the storage facility.

(b) This CA number verifies that the fruits or vegetables meet the requirements for controlled atmosphere storage.

(c) This CA number must appear on all containers, after they are certified, in which CA fruits or vegetables are packed.

#### NEW SECTION

**WAC 16-450-022 How can I obtain a license to operate or lease a controlled atmosphere storage facility in Washington state?** (1) To apply for a license, you must complete and submit WSDA form 6074 (Application for a Controlled Atmosphere License) to the department.

(2) You can obtain this form (and any others required by this chapter) by *writing*:

WA State Department of Agriculture  
Commodity Inspection Division  
Fruit & Vegetable Inspection Program  
P.O. Box 42560  
Olympia, WA 98504;

Or *calling* 360-902-1828 or *faxing* 360-902-2085 or *online* at [agr.wa.gov](http://agr.wa.gov).

(3) Your application for an annual license to operate a controlled atmosphere storage warehouse or warehouses must be accompanied by an annual license fee of five dollars per room, with a minimum fee of twenty-five dollars for five rooms or less.

#### NEW SECTION

**WAC 16-450-024 When must I apply for a license to operate or lease a controlled atmosphere storage facility in Washington state?** You must apply for your initial license before September 1 of any given year. Once issued, your license is valid for one year and must be renewed each year on or before August 31.

#### NEW SECTION

**WAC 16-450-026 Can I renew my license after August 31?** (1) You can renew your license after August 31 but such a renewal is considered "late." Late renewals are regulated by RCW 15.30.070, which requires that you pay your original license fee plus a late renewal penalty of two dollars and fifty cents.

(2) You do not have to pay a late renewal penalty if you submit an affidavit to the department declaring that you have not operated or leased a controlled atmosphere storage facility since your previous license expired.

#### NEW SECTION

**WAC 16-450-028 What requirements affect all licensed controlled atmosphere storage facility operators?** (1) Every licensed operator or lessee must submit to the manager of their local WSDA fruit and vegetable inspection

district a signed, completed copy of WSDA form 6075A (Storage Closing and Inventory - Operator) or a form approved by the director whenever they close a CA room in one of their facilities. The completed form must contain the following information:

- (a) Location of the room;
- (b) Storage room number;
- (c) Date the room was sealed;
- (d) Quantity of loose fruit in the room identified by variety; and
- (e) Quantity of packed fruit in the room identified by variety.

(2) Every licensed operator or lessee must, at least once a day, record the following information on a form approved by the director:

- (a) The percentage of carbon dioxide and oxygen inside the sealed storage area;
- (b) The temperature inside the sealed storage area; and
- (c) The time the percentages and temperature were measured.

(3) WSDA fruit and vegetable inspectors have the right to audit the forms required in this section. Upon completing an audit, the inspector must report their audit results on WSDA form 6076 (Audit of Daily Log) or a form approved by the director.

(4) All Standard and Red Delicious apple varieties must be stored in sealed controlled atmosphere storage on or before December 15 of each year to qualify and be identified as Washington controlled atmosphere storage apples.

(5) For auditing purposes, all licensed operators must notify their local WSDA inspection office before they open any controlled atmosphere storage rooms or before they pack any controlled atmosphere storage fruit.

**NEW SECTION**

**WAC 16-450-032 Violations of this chapter and/or chapter 15.30 RCW.** Any willful violation of either chapter 15.30 RCW or this chapter by any controlled atmosphere operator or lessee is sufficient cause for the suspension of their license by the department.

**NEW SECTION**

**WAC 16-450-040 What requirements apply to controlled atmosphere storage facilities?** All controlled atmosphere facilities must comply with the following controlled atmosphere requirements:

- (1) The oxygen content of each storage room must be reduced to five percent within twenty calendar days after the room is sealed.
- (2) Stored fruits or vegetables must be kept in controlled atmosphere storage under required degrees of temperature and percentage of air components for the specified period, including the following:

Apple Varieties:	Storage Period:
<ul style="list-style-type: none"> <li>• Gala and Jonagold varieties</li> </ul>	<ul style="list-style-type: none"> <li>• At least forty-five continuous calendar days</li> </ul>

<ul style="list-style-type: none"> <li>• Other varieties</li> </ul>	<ul style="list-style-type: none"> <li>• At least sixty continuous calendar days</li> </ul>
<b>Pear Varieties:</b>	<b>Storage Period:</b>
<ul style="list-style-type: none"> <li>• Bartlett varieties</li> </ul>	<ul style="list-style-type: none"> <li>• At least forty-five continuous calendar days</li> </ul>
<ul style="list-style-type: none"> <li>• Other summer varieties</li> </ul>	<ul style="list-style-type: none"> <li>• At least sixty continuous calendar days</li> </ul>
<ul style="list-style-type: none"> <li>• Bosc variety</li> </ul>	<ul style="list-style-type: none"> <li>• At least forty-five continuous calendar days</li> </ul>
<ul style="list-style-type: none"> <li>• Other winter varieties</li> </ul>	<ul style="list-style-type: none"> <li>• At least sixty continuous calendar days</li> </ul>

**NEW SECTION**

**WAC 16-450-042 What are the specific controlled atmosphere storage requirements for Bartlett pears?** To qualify as controlled atmosphere storage pears, Bartlett pears must comply with the requirements in chapter 15.30 RCW, this chapter and the following additional requirements:

(1) Oxygen content of each room where the pears are stored must be reduced to five percent within twenty calendar days after the room is sealed.

(2) The pears must be kept in controlled atmosphere storage, under the required degrees of temperature and percentage of air components, for at least forty-five continuous calendar days.

(3) At the time of shipment, the pears marked with a CA number must:

(a) Be no further advanced in maturity than "mostly hard—some firm."

(b) Not exceed an average of two percent decay and/or breakdown.

(4) Pears that fail to meet any requirement in this section:

(a) Must not be sold as CA storage fruit; and

(b) Their containers must not be marked with a CA number.

**NEW SECTION**

**WAC 16-450-044 What are the specific controlled atmosphere requirements for winter pears?** To qualify as controlled atmosphere storage pears, winter pears must comply with the requirements in chapter 15.30 RCW, this chapter and the following additional requirements:

(1) Oxygen content of each room where the pears are stored must be reduced to five percent within twenty calendar days after the room is sealed.

(2) The pears must be kept in controlled atmosphere storage, under the required degrees of temperature and percentage of air components, for:

(a) At least forty-five continuous calendar days for Bosc pears; and

(b) At least sixty continuous calendar days for all other varieties of winter pears.

(3) All CA-marked winter pears must meet the following standards when shipped:

(a) **Condition standards:**

• No more than two percent decay;

• No more than two percent scald; and

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- A five percent maximum aggregate for all condition factors including cork.

(b) **Maturity standards:**

- No more than five percent must be advanced beyond "firm."

NEW SECTION

**WAC 16-450-046 When must controlled atmosphere fruits and vegetables be identified for certification?** (1) All fruits and vegetables intended for controlled atmosphere storage certification must be identified before being placed in the controlled atmosphere storage room.

(2) Before the controlled atmosphere room is sealed, all packed fruit or vegetable containers intended for controlled atmosphere storage must be:

(a) Marked either with "WSDA and (year of production)" or with a department-supplied stamp; and

(b) Marked under the supervision of WSDA inspection personnel.

NEW SECTION

**WAC 16-450-048 What inspection, certification and marking requirements apply to controlled atmosphere fruits and vegetables?** All Washington state fruits and vegetables sold as CA fruits or vegetables:

(1) Must be inspected and certified as to grade and condition; and

(2) At time of certification, all containers holding CA fruits and vegetables must be marked with both a dated state lot number and a CA number.

NEW SECTION

**WAC 16-450-050 When is a reinspection of controlled atmosphere fruit and vegetables required?** (1) If CA fruits or vegetables are not shipped within two weeks after they are inspected and certified, they must be reinspected to meet controlled atmosphere and maturity requirements in order to qualify for an additional two-week shipping period.

(2) If identification of a reinspected lot:

(a) Can be accomplished without a problem, the reinspected containers do not have to be restamped with a current date state lot number.

(b) May be a problem, the reinspected containers must be restamped with a current date state lot number.

NEW SECTION

**WAC 16-450-060 What are the shipping standards for controlled atmosphere storage fruits and vegetables?**

(1) When shipped, all controlled atmosphere fruits and vegetables must be certified and marked with a CA number and dated state lot stamp.

(2) Apples must meet U.S. condition standards for export.

(3) Pears must meet the maturity requirements of WAC 16-450-042 (3)(a) and (b) or 16-450-044 (3)(b).

NEW SECTION

**WAC 16-450-070 What if my fruit does not comply with the requirements of this chapter?** If your fruit does not comply with any of the requirements in this chapter, you are prohibited from:

(1) Selling your fruit as controlled atmosphere storage fruit; or

(2) Representing your fruit using terms, words or symbols that imply that it has been exposed to controlled atmosphere storage. For example, the words "controlled atmosphere" or the symbol "CA" must be removed from the container and/or subcontainer.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 16-449-001	Promulgation.
WAC 16-449-010	Requirements.
WAC 16-449-020	Maturity and condition standards.
WAC 16-449-030	Effective date.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 16-459-001	Promulgation.
WAC 16-459-00101	Promulgation.
WAC 16-459-010	Requirements—General.
WAC 16-459-020	Identification of controlled atmosphere fruit prior to inspection.
WAC 16-459-030	Fees.
WAC 16-459-040	Penalties.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 16-690-001	Promulgation.
WAC 16-690-010	Washington controlled atmosphere storage requirements—Definitions.
WAC 16-690-015	Washington controlled atmosphere storage requirements—Annual license.
WAC 16-690-020	Washington controlled atmosphere storage requirements—Warehouse number.

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- WAC 16-690-025 Washington controlled atmosphere storage requirements—Controlled storage requirements.
- WAC 16-690-030 Washington controlled atmosphere storage requirements—Inspection, certification and marking.
- WAC 16-690-035 Washington controlled atmosphere storage requirements—Standards for shipping.
- WAC 16-690-040 Washington controlled atmosphere storage requirements—Reinspection.
- WAC 16-690-045 Washington controlled atmosphere storage requirements—Failure to meet requirements.
- WAC 16-690-100 Washington controlled atmosphere storage requirements—Bartlett pears.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 10, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 10, Amended 2, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.  
 February 17, 2004  
 Pat McElroy  
 Chair

**AMENDATORY SECTION** (Amending Order 263, filed 6/16/76)

**WAC 222-08-010 ((Appeals.)) Purpose.** ((All appeals from actions regarding forest practices shall be in accordance with RCW 76.09.210, 76.09.220 and 76.09.230.)) The purpose of this chapter is to describe the forest practices board, its organization, administrative procedures, and to provide rules implementing RCW 34.05.220 and 42.17.250 through 42.17.320 and chapter 42.52 RCW for the forest practices board. The purpose of this chapter is also to set out department procedures for administration of the forest practices regulatory program.

**AMENDATORY SECTION** (Amending WSR 01-12-042, filed 5/30/01, effective 7/1/01)

**WAC 222-08-020 ((Orientation and training.)) Definitions.** ((The department shall be responsible for a continuing program of orientation and training, relating to forest practices and rules thereof, pursuant to RCW 76.09.250. Such program shall include:

(1) Investigation of current developments in and practical applications of forest resources and related technology.

(2) Continuing training of department personnel in the current status of forest resources technology and related disciplines.

(3) Dissemination of information on current forest practice technology to the public, in a manner determined by the department to be effective.)) (1) "Board" means forest practices board.

(2) "Board staff" means employees of the forest practices division of the department who work in support of the board.

(3) "Department" means department of natural resources.

(4) "Office" means the administrative office of the board in the forest practices division of the department.

(5) "Public record" as defined in RCW 42.17.020(36), means any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

(6) "Writing" as defined in RCW 42.17.020(42), means handwriting, typewriting, printing, photographing, including, but not limited to, letters, words, pictures, sounds, and all papers, maps, magnetic or paper tapes, photographic films and prints, video recordings, diskettes, sound recordings, and

**WSR 04-05-122**  
**PERMANENT RULES**  
**FOREST PRACTICES BOARD**  
 [Filed February 18, 2004, 11:45 a.m.]

Date of Adoption: February 11, 2004.

Purpose: The purpose is to describe the Forest Practices Board, its organization, administration and to clarify how state ethics laws apply to the board.

Citation of Existing Rules Affected by this Order: Amending 222-08-010, 222-08-020, 222-08-030, and 222-08-040.

Statutory Authority for Adoption: RCW 34.05.220, 42.17.250, 42.17.260, and 76.09.040.

Adopted under notice filed as WSR 03-24-113 on December 3, 2003.

Changes Other than Editing from Proposed to Adopted Version: Changes were made to WAC 222-08-130 to reflect the Ethics in Public Service Act and include: Moving definition of recusal from subsection (4) to subsection (1)(f); and amending the language pertaining to gifts to reflect the intent of the state ethics law.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 10, Amended 2, Repealed 0.

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other documents including existing data compilations from which information may be obtained or translated.

AMENDATORY SECTION (Amending WSR 01-12-042, filed 5/30/01, effective 7/1/01)

WAC 222-08-030 ((Reporting procedures.)) **Function, organization, and office.** ((The department shall:

(1) ~~Survey and identify all silviculturally related non-point sources of pollution and related control programs in the state;~~

(2) ~~Prepare an analysis of the above activities and programs, and~~

(3) ~~Report and recommend to the forest practices board and to the governor additional rules, procedures and/or methods necessary for the control of such sources to the extent feasible.))~~ (1) The forest practices board was created by chapter 76.09 RCW to adopt forest practices rules as described in WAC 222-12-010.

(2) The board's membership as described in RCW 76.09.030(1), consists of twelve members to include: The commissioner of public lands or the commissioner's designee, the director of the department of community, trade, and economic development or the director's designee, the director of the department of agriculture or the director's designee, the director of the department of ecology or the director's designee, the director of the department of fish and wildlife or the director's designee, an elected member of a county legislative authority appointed by the governor so long as that member serves as an elected official, and six members of the general public appointed by the governor, one of whom shall be an owner of not more than five hundred acres of forest land, and one of whom shall be an independent logging contractor. The six members from the general public are appointed to four-year terms. The commissioner of public lands or designee shall chair the board.

(3) General public members shall be compensated in accordance with RCW 43.03.250. Each member shall be entitled to reimbursement for travel expenses incurred in the performance of their duties as provided in RCW 43.03.050 and 43.03.060.

(4) Staff support is provided to the board as provided in RCW 76.09.030(6). Staff shall perform the following duties under the general authority and supervision of the board:

- (a) Act as administrative arm of the board;
- (b) Act as records officer to the board;
- (c) Coordinate the policies and activities of the board;

and

(d) Act as liaison between the board and other public agencies and stakeholders.

(5) The administrative office of the board is located at 1111 Washington Street S.E., Olympia, Washington. The board may sit or hold hearings anywhere in the state. The office hours are 8:00 a.m. to noon and 1:00 p.m. to 5:00 p.m., Monday through Friday, except legal holidays and during board meetings. The board may be contacted at:

Forest Practices Board  
c/o Department of Natural Resources  
Forest Practices Division  
P.O. Box 47012

Olympia, WA 98504-7012

Phone: 360-902-1400

Fax: 360-902-1428

E-mail: forest.practicesboard@wadnr.gov

(6) Any person may contact the board as indicated in subsection (5) of this section to obtain information on board activities.

AMENDATORY SECTION (Amending WSR 93-12-001, filed 5/19/93, effective 6/19/93)

WAC 222-08-040 ((Regular meetings.)) **Operations and procedures.** ((Regular meetings of the forest practices board shall be held quarterly on the second Wednesday of February, May, August and November, at a location to be designated by the forest practices board. Any person may obtain information as to said location and meeting time by contacting the Department of Natural Resources, Forest Practices Division, Olympia, Washington 98504-7012. A schedule of meetings will be published in the Washington Register in January of each year.)) (1) The board holds quarterly scheduled meetings on the second Wednesday of February, May, August, and November, at such times and places as deemed necessary to conduct board business. At regularly scheduled board meetings, agenda time is allotted for public comment on rule proposals and board activities, unless the board has already set public hearings on the rule proposals. Special and emergency meetings may be called anytime by the chair of the board or by a majority of the board members. Notice of special and emergency meetings will be provided in accordance with RCW 42.30.070 and 42.30.080. All meetings are conducted in accordance with chapter 42.30 RCW, and RCW 76.09.030(4). A schedule of meetings shall be published in the Washington State Register in January of each year. Minutes shall be taken at all meetings.

(2) Each member of the board is allowed one vote on any action before the board; pursuant to RCW 42.30.060(2), secret voting is not allowed. All actions shall be decided by majority vote. A majority of the board shall constitute a quorum for making decisions and promulgating rules necessary for the conduct of its powers and duties. When there is a quorum and a vote is taken, a majority vote is based upon the number of members participating. The chair, designee, or majority of the board may hold hearings and receive public comment on specific issues such as rule making that the board will consider in its actions.

(3) Rules marked with an asterisk (\*) are adopted or amended with agreement from the department of ecology because they pertain to water quality. See WAC 222-12-010.

(4) The chair or majority of board members shall set the meeting agenda. Public requests for topics to be included in the board's quarterly public meeting agenda must include the name of the requester, and be received at the office at least fourteen days before the scheduled meeting. Topics requested may be added to the meeting agenda at the chair's discretion or by a majority vote of the board members.

(5) Written materials for the board which are not provided in advance of the meeting date will not be distributed during the meeting unless fifteen copies are provided to staff.



**NEW SECTION**

**WAC 222-08-050 Public records—Availability.** The board's public records are available for inspection and copying except as otherwise exempted under RCW 42.17.310, any other law, and this chapter.

**NEW SECTION**

**WAC 222-08-060 Public records officer.** The public records officer or designee for the board shall be the board's rules coordinator. The public records officer shall be responsible for responses to requests for public records. All requests for public records shall be directed to: Public Records Officer, Forest Practices Board, c/o Department of Natural Resources, Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012.

**NEW SECTION**

**WAC 222-08-070 Public records index.** The board's rules coordinator maintains the board files, including in part, meeting minutes, correspondence, rule-making documents, contracts, and other board business. A filing system is utilized at the board's office that consists of rule-making dockets, board meeting files, contracts, and petitions for rule making. These files are indexed by subject and date. Correspondence files are indexed by date. All files are available for inspection by contacting the board's rules coordinator in the administrative office of the board.

**NEW SECTION**

**WAC 222-08-080 Protection of public records.** (1) No person shall knowingly alter, deface, or destroy public records of the board, except as allowed by law.

(2) Original public records or portions thereof shall not be removed from the premises by the public, except board members may retain their individual notes.

(3) Records furnished for inspection shall be returned in their original condition and in the same sequence or organization as when furnished.

**NEW SECTION**

**WAC 222-08-090 Disclosure of public records.** Public records may be inspected or copies of such records obtained, upon compliance with the following procedure:

(1) A request shall be made in writing, by fax or electronic mail, to the public records officer or designee. The request shall include the following information:

- (a) The name of the person requesting the record;
- (b) The calendar date of the request; and
- (c) A description of the record(s) requested.

(2) Within five business days of receiving a public records request, as required by RCW 42.17.320, the office shall respond by:

- (a) Providing the record; or
- (b) Acknowledging that the office has received the request and providing a reasonable estimate of time required to respond; or

(c) Denying the request.

(3) The office may request additional time to provide the records based upon the need to:

- (a) Clarify the intent of the request;
- (b) Locate and assemble the information requested;
- (c) Notify third persons or agencies who may be affected by the request; or

(d) Determine whether any of the information requested is exempt and that a denial should be made for all or part of the request.

(4) The public records officer may, if it deems the request is unclear, ask the requester to clarify the information the requester is seeking. If the requester fails to clarify the request, the office need not respond to it.

(5) Public records shall be available for inspection in the office from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays and during board meetings.

(6) No fee shall be charged for the inspection of public records. For printed, typed and written public records of a maximum size of 8 1/2" by 14", the board shall charge twenty-five cents per page to reimburse the board for the actual costs of providing the copies and the use of copying equipment. Copies of maps, photos, films, recordings, and other nonstandard public records shall be furnished at the board's actual costs. The board shall charge the current rate for tax and shipping on all disclosure copying requests. The public records officer may waive the fees when the expense of processing the payment exceeds the cost of providing the copies. The public records officer may require that all charges be paid in advance of release of the copies.

(7) The public records officer may determine that all or a portion of a public record is exempt under the provisions of chapter 42.17 RCW. Pursuant to RCW 42.17.260(1) and 42.17.310(2), the public records officer may delete portions of public records. The public records officer will explain the reasons for such deletion in writing, including the exemption that applies.

(8) Any denial of a request for public records shall be in writing, specifying the reason for the denial, including the specific exemption authorizing the nondisclosure of the record, and a brief explanation of how the exemption applies to the records withheld.

(9) Any person who objects to a denial of a request for a public record may request review of such decision by submitting a written request to the public records officer. The written request shall specifically refer to the written statement by the public records officer or designee which constituted or accompanied the denial.

(10) Immediately after receiving a written request for review of a decision denying disclosure of a public record, the public records officer or designee denying the request shall refer it to the chair of the board. The chair shall consider the matter and either affirm or reverse such denial.

(11) Administrative remedies shall not be considered exhausted until the chair of the board or designee has returned the request for review with a decision or until the close of the second business day following receipt of the written request for review of the denial of the public record, whichever occurs first.

NEW SECTION

**WAC 222-08-100 Petitions for adoption, repeal or amendment of a rule.** (1) Any person may submit a petition to the board requesting the adoption, amendment, or repeal of any rule pursuant to RCW 34.05.330 and the process set forth in chapter 82-05 WAC as further supplemented by these rules. The petition should be clearly identified as such and contain sufficient information so the board and public can understand the proposal.

(2) Any petition for rule making, amendment or repeal shall be submitted no later than fourteen days before the next regularly scheduled board meeting to be included on the agenda. Petitions shall be sent to the rules coordinator for the board at the following address: Forest Practices Board, c/o Department of Natural Resources, Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012. If the petition is more than twenty pages in length (including any supplementary materials), it shall be accompanied by fifteen copies.

(3) Submission of a petition is defined as receipt of a complete petition by the board staff. Petitions requiring additional copies as described in subsection (2) of this section will not be considered complete until copies have been provided to staff.

(4) Within five business days of submission, the board staff will send the petitioner acknowledgment of receipt of the petition, including the name and telephone number of a contact person. If the petition is incomplete, board staff will notify the petitioner what additional information is required.

(5) Information required for proposed new rule adoption:

(a) Text of the proposed rule or description of its provisions and rationale for a new rule.

(b) Authority for the proposed rule.

(c) Reason the rule is needed, including what or who is benefited or otherwise affected by the rule.

(6) Information required for amendment of an existing rule: Rule title and chapter number, text, or description of the proposed amendment, and rationale for amendment.

(7) Information required for repeal of existing rule: Rule title and chapter number, and description of the rationale and effects of the proposed repeal.

(8) Other information to include, if applicable, to proposed rule amendments or repeals:

(a) How the rule harms or otherwise affects public resources or public health, safety, or general welfare.

(b) What alternatives to the rule exist that will serve the same purpose at less cost.

(c) If the rule is not clearly and simply stated, suggestions on how to state the rule clearly and simply.

(d) Whether the rule imposes unreasonable costs and to whom.

(e) How the rule conflicts with or duplicates other federal, state, or local laws.

(f) How the rule differs, without adequate justification, from a federal law that applies to the same activity or subject matter.

(9) No later than sixty days after receipt of a complete petition, the board will:

(a) Initiate rule-making proceedings in accordance with chapter 34.05 RCW; or

(b) Deny the petition in writing, stating its reasons for the denial and specifically addressing the concerns stated in the petition. Where appropriate, the board will indicate alternative means by which the board will address the concerns raised in the petition.

(10) If the board denies the petition, the petitioner may appeal the denial to the joint administrative rules review committee, the governor, or superior court pursuant to RCW 34.05.330 (2) and (3) and 34.05.570(4).

NEW SECTION

**WAC 222-08-120 Inapplicability of model rules adopted by the chief administrative law judge.** The board does not have adjudicative authority nor does the board enter declaratory orders. Therefore, the model rules adopted by the chief administrative law judge under RCW 34.05.250 and found in chapter 10-08 WAC do not apply to the board.

NEW SECTION

**WAC 222-08-130 Ethics standards.** This rule implementing the Ethics in Public Service Act, chapter 42.52 RCW, applies to the board.

(1) The following definitions apply to this section:

(a) "Beneficial interest" has the meaning ascribed to it under the Washington case law.

(b) "Gift" means anything of economic value for which no consideration is given.

(c) "Transaction involving the board" means a proceeding, application, submission, request for a ruling or other determination, contract, claim, case, or other similar matter that the board member in question believes, or has reason to believe:

(i) Is, or will be, the subject of board action; or

(ii) Is one to which the board is or will be a party; or

(iii) Is one in which the board has a direct and substantial proprietary interest.

(d) "Transaction involving the board" does not include the following:

(i) Preparation, consideration, or enactment of legislation, including appropriation of moneys in a budget, or the performance of legislative duties by a board member; or

(ii) A claim, case, lawsuit, or similar matter if the board member did not participate in the underlying transaction involving the board that is the basis for the claim, case, or lawsuit.

Rule making is not a transaction involving the board.

(e) "Board action" means any action on the part of the board, including, but not limited to:

(i) A decision, determination, finding, ruling, order; or

(ii) A grant, payment, award, license, contract, transaction, sanction, approval, or the denial thereof, or failure to act with respect to a decision, determination, finding, ruling, or order.

(f) "Recusal" involves the following actions:

(i) Recuse himself or herself from discussions by the board regarding the related action(s);

(ii) Recuse himself or herself from any vote by the board on the related action(s); and

(iii) Refrain from attempting to influence any other member in any discussion or vote regarding the related action(s).

(2) No board member may accept honoraria under the circumstances set forth in RCW 42.52.130. Board members may receive honoraria if all of the following are met:

(a) The board member will not be carrying out their board 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 board member's official position on the board;

(c) The topic is such that it does not appear that the board member could have used information acquired in the course of 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 board member to produce the materials or prepare for the article, appearance, or item for which the honorarium is being given.

(3) "Gifts":

(a) No board member shall receive or solicit, directly or indirectly, any gift if it could be reasonably perceived that the gift would influence the vote, action, or judgment of the board member, or be perceived as part of a reward for action or inaction.

(b) Notwithstanding the exceptions specified in RCW 42.52.150 (2) and (5), a board member may receive only the items specifically listed in RCW 42.52.150 (4) from a person regulated by the board or from a person who seeks to provide goods or services to the board.

(4) If a board member receives or solicits gifts prohibited in subsection (3) of this section, the board member is in violation of the Ethics in Public Service Act and shall return the gift or donate it to charity within thirty days. In addition, the board member shall recuse himself or herself in accordance with subsection (1)(f) of this section.

(5) Board members shall recuse themselves in compliance with subsection (1)(f) of this section when the following circumstances apply or it is reasonably foreseeable that they will apply:

(a) The member is beneficially interested, directly or indirectly, in a contract, sale, lease, purchase, or grant that may be made by, through, or under the supervision of the board in whole or in part; or

(b) The member accepts, directly or indirectly, any compensation, gratuity or reward from any other person beneficially interested in a contract, sale, lease, purchase, or grant that may be made by, through, or under the supervision of the board, in whole or in part; or

(c) The member either owns a beneficial interest in, or is an officer, agent, employee, or member of, an entity which is engaged in a transaction involving the board.

(6) Under subsection (5)(b) of this section, "any other person" has a beneficial interest in a contract, sale, lease, purchase, or grant when the other person bids or otherwise seeks to be awarded the contract, sale, lease, purchase, or grant.

(7) The circumstances contained in subsection (5) of this section do not limit the member from using his or her general

expertise to educate and provide general information on the subject area to other board members.

(8) If recusal occurs pursuant to chapter 42.52 RCW, or rules adopted pursuant to that law or this chapter, the board member must disclose to the public the reasons for his or her recusal from any board action whenever recusal occurs. The board staff must record each such recusal and basis for the recusal.

EXAMPLE: The board includes members appointed by the governor who are employed in the private sector. Board members are appointed because they have general knowledge of forestry and are often recommended by interest groups, such as the timber industry and environmental organizations. A board member is employed by a company that provides economic analysis. The board is in the process of selecting a contractor to provide small business economic impact statements for several proposed rules. The company that employs the board member has bid for the contract. The board member may use his or her general expertise to educate the other board members about the requirements for a good small business economic impact statement. However, the board member is prohibited from participating in the board discussion establishing criteria for selecting a contractor and is prohibited from participating in the vote to select a contractor. The board member would publicly announce his or her recusal and the reasons for it, and the board staff would record this information as part of the public record.

(9) No board member 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 make use of, or permit others to make use of, information not available to the general public.

(10) No board member shall use his or her position 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.

(11) No board member shall use his or her position 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.

(12) No board member shall accept employment that will adversely affect the performance of that member's official duties, discredit the board, or result in a conflict of interest.

NEW SECTION

The following sections of the Washington Administrative Code are recodified as follows:

Old WAC Number	New WAC Number
222-08-020	222-08-140
222-08-030	222-08-150
222-08-035	222-08-160

PERMANENT



**WSR 04-03-010D**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Children's Administration)

[Filed January 9, 2004, 4:26 p.m.]

Date of Adoption: January 5, 2004.

Purpose: The purpose of the proposed emergency rules for group receiving centers (GRC), chapter 388-140 WAC, is to establish licensing standards for facilities providing out-of-home receiving or emergency care to children for up to thirty days. Licensing standards do not currently exist for GRCs. The emergency rules would provide protection for children placed in facilities in emergency situations. Currently, the one group receiving center in operation is licensed under standards that do not accurately or adequately address the program.

Statutory Authority for Adoption: RCW 74.15.030(2), 74.08.090.

Under 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; and that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Children's Administration has licensed a facility as a group care program with several waivers as there are no current licensing standards for a group receiving center. After consulting with the state Attorney General's Office and representatives of the federal IV-E program, we have learned that the approval of waivers jeopardizes federal funds received by Children's Administration to support services to children. A stakeholder work group has been involved in preparation of these emergency rules and the rules being drafted for permanent adoption. The emergency rules are needed to protect the health and safety of children placed in these facilities until permanent rules are adopted. Children's Administration is amending licensing standards (chapter 388-148 WAC) for group care facilities and plans to incorporate these group receiving center rules into chapter 388-148 WAC. Stakeholders have reviewed the draft of revised chapter 388-148 WAC. Children's Administration will be filing the proposed rules in late January 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 125, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 125, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

January 5, 2004

Brian H. Lindgren, Manager  
 Rules and Policies Assistance Unit

**Chapter 388-140 WAC**

**LICENSING STANDARDS FOR GROUP RECEIVING CENTERS**

**PURPOSE**

NEW SECTION

**WAC 388-140-0005 What is the purpose of this chapter?** The department issues or denies a license on the basis of compliance with licensing requirements. This chapter defines general and specific licensing requirements for group receiving centers. Unless noted otherwise, these requirements apply to people who want to be licensed or re-licensed to provide care as a group receiving center.

The department is committed to ensuring that children who receive receiving care in a group setting experience health, safety, and well-being. We want these children's experiences to be beneficial to them not only in the short term, but also in the long term. Our licensing requirements reflect our commitment to children.

**DEFINITIONS**

NEW SECTION

**WAC 388-140-0010 What definitions apply to this chapter?** The following definitions are important to understand these rules:

**"Abuse or neglect"** means injury, sexual abuse, sexual exploitation, negligent treatment or mistreatment of a child where the child's health, welfare and safety are harmed.

**"Assessment"** means the appraisal or evaluation of a child in terms of his or her physical, mental, and emotional condition.

**"Capacity"** means the maximum number of children that a home or facility is licensed to care for at a given time.

**"Children"** or **"youth,"** means individuals who are under eighteen years old, including expectant mothers under eighteen years old.

**"Compliance agreement"** means a written licensing improvement plan to address specific skills, abilities, or other issues of a fully licensed home or facility to maintain and/or increase the safety and well-being of children in their care.

**"DCFS"** means the division of children and family services.

**"DDD"** means the division of developmental disabilities.

**"DSHS"** or **"department"** means the department of social and health services (DSHS).

**"DLR"** means the division of licensed resources.

**"DOH"** means the department of health.

**"Group receiving center"** or **"GRC"** is a facility providing the basic needs of food, shelter, and supervision for more than six children placed by the department, generally for thirty or less days.

**"Firearms"** means guns or weapons, including but not limited to the following: BB guns, pellet guns, air rifles, stun guns, antique guns, bows and arrows, handguns, rifles, and shotguns.

**"Full licensure"** means an entity meets the requirements established by the state for licensing or approved as meeting state licensing requirements.

**"Hearing"** means the department's administrative review process.

**"I"** refers to anyone who operates or owns group receiving center.

**"Individual with developmental disabilities"** means an individual who meets the eligibility requirements in RCW 71A.10.020 and WAC 388-825-030 for services. A developmental disability is any of the following: Mental retardation, cerebral palsy, epilepsy, autism, or another neurological condition described in WAC 388-825-030. These conditions must originate before the age of eighteen years; be expected to continue indefinitely; and result in a substantial handicap.

**"Infants"** means children under one year of age.

**"License"** means a permit issued by the department affirming that a home or facility meets the licensing requirements.

**"Licensee"** means the name of the individual or legal entity granted the license for a group receiving center.

**"Licensor"** means a division of licensed resources (DLR) employee at DSHS that:

- (1) Approves licenses for group receiving centers; and
- (2) Monitors centers to ensure that they continue to meet health and safety requirements.

**"Medically fragile"** means the condition of a child who has a chronic illness or severe medical disabilities requiring regular nursing visits, extraordinary medical monitoring, or under a physician's care.

**"Nonambulatory"** means not able to walk.

**"Nonmobile"** refers to children who are not yet walking, are unable to walk, or unable to use a wheelchair or other device to move about freely.

**"Out-of-home placement"** means a child's placement in a home or facility other than the child's parent, guardian, or legal custodian.

**"Premises"** means a facility's buildings and adjoining grounds that are managed by a person or agency in charge.

**"Probationary license"** means a license issued as a disciplinary measure to an individual or agency that has previously been issued a full license but is out of compliance with licensing standards.

**"Psychotropic medication"** means a type of medicine that is prescribed to affect or alter thought processes, mood, sleep, or behavior. These include anti-psychotic, antidepressants and anti-anxiety medications.

**"Severe developmental disabilities"** means significant disabling, physical and/or mental condition(s) that cause a child to need external support for self-direction, self-support and social participation.

**"Service plan"** means a description of the services to be provided or performed and who will provide or perform the activities.

**"Universal precautions"** is a term relating to procedures designed to prevent transmission of blood borne pathogens in health care and other settings. Under universal precautions (sometimes call standard precautions), blood or other potentially infectious materials of all people should always be considered potentially infectious for HIV and other pathogens. Individuals should take appropriate precautions using personal protective equipment like gloves to prevent contact with blood.

**"We"** or **"our"** refers to the department of social and health services, including DLR licensors and DCFS social workers.

**"You"** refers to anyone who operates a group receiving center.

## GENERAL INFORMATION

### NEW SECTION

**WAC 388-140-0015 What is a group receiving center?** A group receiving center is a facility licensed by the division of licensed resources to provide the basic needs of food, shelter, and supervision for more than six children placed by the department, generally for thirty or less days.

### NEW SECTION

**WAC 388-140-0020 Which children may I serve?** If you are licensed as a group receiving center, you may serve children who meet one of the following conditions:

- (1) Need temporary placement after being taken into protective custody by law enforcement or the court;
- (2) Need temporary placement awaiting a more permanent placement; or
- (3) Need emergency placement during a temporary disruption of a current placement.

### NEW SECTION

**WAC 388-140-0025 What age children may a center serve?** Group receiving centers may provide care for children from age two through seventeen.

### NEW SECTION

**WAC 388-140-0030 Who may place children at a group receiving center?** The department of social and health services, a law enforcement officer, or the court may place children at a group receiving center.

### NEW SECTION

**WAC 388-140-0035 What hours must a center be open?** A group receiving center must be open twenty-four hours a day, seven days a week.

NEW SECTION

**WAC 388-140-0040 What are the basic expectations of a group receiving center program?** (1) Your group receiving care center must provide a safe and healthy group living environment that meets the developmental needs of the children in your care, including;

- (a) A clean, homelike environment;
  - (b) Basic necessities such as adequate food and appropriate clothing;
  - (c) Safety; and
  - (d) An age-appropriate environment with necessary structure, routine, and rules.
- (2) Your center must be staffed with employees who are competent to provide for the safety and needs of the children in your care.

(3) You must provide a written statement that includes your mission, goals, and a description of the services you provide.

NEW SECTION

**WAC 388-140-0045 What services are provided or arranged for by the group receiving center?** (1) A group receiving center must provide direct receiving care and assessment or an appraisal of a child in terms of his or her physical, mental, and emotional condition.

(2) A group receiving center may provide transportation and/or family support services, such as the supervision of family visits.

NEW SECTION

**WAC 388-140-0050 What school arrangements are required?** A group receiving center must meet the following requirements for providing education instruction to the children under your care. You must:

- (1) Arrange for transportation for each child in care to travel to school;
- (2) Support each child participating in their education plan; and
- (3) Provide suitable study areas for children under your care.

NEW SECTION

**WAC 388-140-0055 Is an orientation for a child required at a center?** (1) As part of admission to a center, the staff must give an orientation to children that includes, but is not limited to:

- (a) A description of the program and services;
  - (b) The physical facility;
  - (c) The department-approved policy that states that youth may not have guns and other weapons, alcohol, tobacco, and drugs within the facility; and
  - (d) The department approved policy on client visitation that includes access to the youth's attorney.
- (2) Written documentation of this orientation must be in each child's file.

**APPLICATION, LICENSING,  
AND PROGRAM APPROVAL**NEW SECTION

**WAC 388-140-0060 Is a license required?** A license is required to provide care to children at a group receiving center.

NEW SECTION

**WAC 388-140-0065 How old do I have to be to apply for a license?** You must be at least twenty-one years old to apply for a license to provide care to children at a group receiving center.

NEW SECTION

**WAC 388-140-0070 What personal characteristics must I have to provide care to children at a center?** If you are requesting a license or a position as an employee, volunteer, or intern in a group receiving center, you must:

(1) Demonstrate an understanding, ability, physical health, emotional stability and personality suited to meet the physical, mental, emotional, and social needs of the children under your care.

(2) You must not have been found to have committed abuse or neglect of a child or vulnerable adult, unless the department determines that you do not pose a risk to a child's safety, well-being, and long-term stability.

(3) Be able to furnish the child with a nurturing, respectful, supportive, and responsive environment.

(4) Not have been disqualified by our background check (chapter 388-06 WAC) before having unsupervised access to children.

NEW SECTION

**WAC 388-140-0075 What personal information may I be required to provide to be licensed?** (1) The department may request additional information at any time and it may include, but is not limited to:

- (a) Substance and alcohol abuse evaluations and/or documentation of treatment;
- (b) Psychiatric evaluations;
- (c) Psycho-sexual evaluations; and
- (d) Medical evaluations and/or medical records.

(2) The applicant/licensees pays for any evaluation requested by the department.

(3) The applicant/licensee must give permission for the licensor to speak with the evaluator/provider before and after the evaluation.

(4) If an applicant or licensee refuses to comply with subsections (1), (2), or (3) above, then DLR may deny the application or revoke the license.

NEW SECTION

**WAC 388-140-0080 How do I apply for a license?** (1) To apply for a group receiving center license, the person or

legal entity responsible for the center must send the application form to your licensor at DLR.

(2) With the application form, you must send written verification for each applicant of the following information:

(a) A tuberculosis test or chest X-ray unless you can demonstrate medical or religious reasons prohibiting the test;

Note: Written documentation from your physician that indicates that you are free of the signs and symptoms of tuberculosis may be accepted.

(b) First-aid and cardio-pulmonary resuscitation (CPR) training appropriate to the age of the children in care; and

(c) HIV/AIDS and blood borne pathogens training including infection control standards.

(3) You must send a completed background check form to your licensor on anyone on the premises having unsupervised access to children who:

- (a) Is not a foster child; and
- (b) Is at least sixteen years old.

(4) You must send a completed FBI fingerprint form for any individual at your facility who has lived outside Washington state within the last three years and meets subsection (3) above.

NEW SECTION

**WAC 388-140-0085 What is required to document completed background checks on staff?** You must keep a log of all background check results of employees, volunteers, and interns having unsupervised access to children on the premises of the group receiving center.

NEW SECTION

**WAC 388-140-0090 What first aid and cardiopulmonary resuscitation (CPR) training is required?** (1) You, your staff, volunteer, intern, or any individual who may at anytime be the sole caregiver at the group receiving center, must have the following current first-aid and CPR training:

- (a) Basic standard first aid; and
- (b) Approved age-appropriate cardiopulmonary resuscitation (CPR) training provided by an instructor certified in accordance with a nationally recognized standard.

(2) A person with first aid and CPR training must be on the premises of a group receiving center at all times, when children are present.

(3) The CPR training may be waived for persons with a statement from their physician that the training is not advised for medical reasons. However, another person with CPR training must be on the premises when children are present.

(4) You must keep records in your center showing who has completed current first aid and CPR training. This includes copies of the certificate of completion for the training for each staff person.

NEW SECTION

**WAC 388-140-0095 What HIV/AIDS and blood borne pathogens training is required?** (1) You must provide or arrange for training for yourself, your staff, or any person who may at any time be the sole caregiver at a group

receiving center, on infection control, prevention, and transmission of HIV and AIDS and blood borne pathogens.

(2) You must comply with infection control requirements and educational material consistent with the approved current curriculum "Know - HIV/AIDS Prevention Education for Health Care Facility Employees," published by the department of health, office on HIV/AIDS.

(3) Child care workers and anyone else providing direct care to children at a group receiving center must use Universal Precautions (see definitions) when coming in contact with the bodily fluids or secretions of a child.

NEW SECTION

**WAC 388-140-0100 How long do I have to complete the licensing application packet?** (1) You must complete your licensing application with supporting documents, such as training certificates, within ninety days of first applying for a group receiving center license.

(2) If you fail to meet this deadline and have not contacted your licensor, your licensor may consider your application withdrawn.

(3) If you are applying for a license renewal, you must send the application form to your licensor at least ninety days prior to the expiration of your current license.

NEW SECTION

**WAC 388-140-0105 Does the department need to approve the program I offer?** (1) The department must approve the program that you have developed for children under your care at group receiving center.

(2) You must send to DLR a detailed written program description outlining assessment, educational, recreational, therapeutic, and other services you will provide to children and their families.

(3) A sample of the schedule of daily activities for children under care must be included with the program description.

NEW SECTION

**WAC 388-140-0110 How does the department decide how many children a center may serve?** (1) The department approves the number of children that a group receiving center may serve based on an evaluation of these factors:

- (a) Physical accommodations in the center;
- (b) The number of staff and volunteers available for providing care;
- (c) Your skills and the skills of your staff;
- (d) The ages and characteristics of the children you are serving;
- (e) The evaluation of fire safety by the office of the state fire marshal; and
- (f) The evaluation of health and safety by the department of health.

(2) Based on the evaluation, the department may license you for the care of fewer children or different age groups than your facility could house.

EMERGENCY



NEW SECTION

**WAC 388-140-0115 Will the department approve exceptions to the licensing requirements?** (1) At its discretion, the department may make exceptions to the licensing requirements for a group receiving center. The exceptions:

- (a) Must only be nonsafety requirements; and
- (b) Must not compromise the safety and well being of the children receiving care.
- (2) You must make a written request for an exception to the licensing requirements.
- (3) After granting an exception to a licensing requirement, the department may:
  - (a) Limit or restrict your license; and/or
  - (b) Require you to enter into a compliance agreement to ensure the safety and well being of the children in your care.
- (4) You must keep a copy of the approved exception and any compliance agreement to the licensing requirements for your files.
- (5) You do not have appeal rights if the department denies your request for an exception to our licensing requirements.

**CORRECTIVE ACTION**NEW SECTION

**WAC 388-140-0120 Does the department issue probationary licenses?** (1) The department may issue a group receiving center a probationary license as part of a corrective action plan with a licensed provider.

- (2) The department must base its decision about whether to issue a probationary license on the following:
  - (a) Intentional or negligent noncompliance with the licensing rules;
  - (b) A history of noncompliance with the rules;
  - (c) Current noncompliance with the rules;
  - (d) Evidence of a good faith effort to comply; and
  - (e) Any other factors relevant to the specific situation.
- (3) A probationary license may be issued for up to six months. At its discretion, the department may extend the probationary license for an additional six months.

NEW SECTION

**WAC 388-140-0125 When is a license denied, suspended or revoked?** (1) A group receiving center license must be denied, suspended or revoked if the department decides that you cannot provide care for children in a way that ensures their safety, health and well-being.

- (2) The department must disqualify you for any of the reasons that follow:
  - (a) Your facility fails to meet the health and safety requirements to receive a certificate of compliance as required by the department of health and/or office of the state fire marshal.
  - (b) You have been disqualified by your background check (see chapter 388-06 WAC).
  - (c) You or your staff have been found to have committed abuse, neglect, or you treat, permit or assist in treating children in your care with cruelty, indifference, or exploitation,

unless the department determines that you do not pose a risk to a child's safety, well-being, and long term stability.

(d) You or anyone on the premises had a license denied or revoked from an agency that provided care to children or vulnerable adults.

(e) You try to get a license deceitfully, such as making false statements or leaving out important information on the application.

(f) You commit, permit or assist in an illegal act on the premises of a group receiving center providing care to children.

(g) You are using illegal drugs, or excessively using alcohol and/or prescription drugs.

(h) You knowingly allowed employees or volunteers with false statements on their applications to work at your agency.

(i) You repeatedly lack qualified or an adequate number of staff to care for the number and types of children under your care.

(j) You have refused to allow our authorized staff and inspectors to have requested information or access to your facility, child and program files, and/or your staff and clients.

(k) You are unable to manage the property, fiscal responsibilities, or staff in your agency.

(l) You have failed to comply with the federal and state laws for any Native American children that you have under care.

NEW SECTION

**WAC 388-140-0130 Are there any other reasons that could potentially cause me to lose my license?** (1) The department may suspend or revoke your group receiving center license if you go beyond the conditions of your license by:

- (a) Having more children than your license allows; or
- (b) Having children with ages different than your license allows.
- (2) The department also may suspend or revoke your license if you:
  - (a) Fail to provide a safe, healthy and nurturing environment for children under your care; or
  - (b) Fail to comply with any of our other licensing requirements.

NEW SECTION

**WAC 388-140-0135 What happens when a licensor is notified that a licensee has received a noncompliance support order from the division of child support?** (1) The department must suspend a group receiving center license, if the licensor receives a notice from the division of child support that the licensee is not in compliance with a support order under authority of RCW 43.20A.205 and 74.20A.320.

(2) In this situation, the suspension of a center license, for noncompliance of a support order, would be effective on the date the licensee receives a notice from the licensor.

(3) The license remains suspended until the licensee provides proof that he or she is in compliance with the child support order.

(4) The licensee does not have a right to an administrative hearing based on a suspension of the center license due to noncompliance of a child support order.

#### NEW SECTION

**WAC 388-140-0140 How will the department notify me if my license is denied, suspended, or revoked?** (1) The department will send you a certified letter informing you of any decision to deny, suspend or revoke your group receiving center license.

(2) In the letter, the department also will tell you what you may do if you disagree with the decision of the department to deny, suspend or revoke your group receiving center license.

#### NEW SECTION

**WAC 388-140-0145 What may I do if I disagree with the department's decision to deny, suspend or revoke my license?** (1) You have the right to appeal any decision the department makes to amend, deny, suspend, or revoke your group receiving center license. The exception is outlined in WAC 388-140-0135 and deals with noncompliance of a child support order.

(2) Your right to appeal and the procedures for that process are outlined in RCW 43.20A.205 and 74.14.130; chapter 34.05 RCW, and chapter 388-02 WAC.

### **POSTING LICENSE AND REPORTING CHANGES**

#### NEW SECTION

**WAC 388-140-0150 Where do I post my license?** You must post your group receiving center license where the public can easily view it.

#### NEW SECTION

**WAC 388-140-0155 What changes to my center must I report to my licensor?** (1) You must report to your licensor immediately any changes in the original group receiving center licensing application. This includes changes in:

- (a) Your location or designated space, including address;
- (b) Your phone number;
- (c) The maximum number, age ranges, and sex of children you wish to serve; or

(d) The changes in the structure of your facility or on the premises from events causing damage, such as a fire, or from remodeling.

(2) A license is valid only for the person or organization named on the license at a specific address. If you operate a group receiving center, you must also report any of the following changes to your licensor:

- (a) A change of your agency's executive director;
- (b) The death, retirement, or incapacity of the person who holds the license;
- (c) A change in the name of a licensed corporation, or the name by which your center is commonly known; or

(d) Changes in an agency's articles of incorporation and bylaws that apply to the operation or the license of the facility.

### **FIRE SAFETY**

#### NEW SECTION

**WAC 388-140-0160 Must I comply with the requirements of the State Fire Marshal to receive a license?** (1) A group receiving center must comply with the requirements for fire safety of the office of the state fire marshal under WAC 212-12-210.

(2) The office of the state fire marshal will issue a notice of approval for licensing to the licensing agency when you have met their requirements for fire safety.

#### NEW SECTION

**WAC 388-140-0165 Do I need to notify the local fire department of the location of my center?** You must notify the local fire department of the location of your group receiving center so that medics and firefighters can easily locate your facility.

#### NEW SECTION

**WAC 388-140-0170 Are local ordinances part of the licensing requirements?** (1) Local ordinances (laws), such as zoning regulations and local building codes, are outside the scope of the licensing requirements for a group receiving center.

(2) The department may require you to provide proof that you have met local ordinances.

#### NEW SECTION

**WAC 388-140-0175 Are there fire safety requirements?** A group receiving center must comply with the fire safety requirements that follow.

(1) Every sleeping room used by children under care must have at least one operable window or door approved for emergency escape or rescue that must open directly into a public street, public alley, yard, or exit court.

(2) Centers with floors located more than four feet above or below ground (one-half story) must not be used for care of nonmobile children.

(3) Emergency windows must:

(a) Be operable from the inside to provide a full, clear opening without the use of separate tools;

(b) Have a minimum net clear open area of 5.7 square feet (0.53 mm);

(c) Have a minimum net clear open height dimension of 24 inches (610 mm);

(d) Minimum net clear open width dimension of 20 inches (508 mm);

(e) Have a finished sill height of not more than 44 inches (1118 mm) above the floor.

(4) No child may occupy a space that is accessible only by a ladder, folding stairs, or a trap door.

(5) Every bathroom door lock must be designed to permit the opening of the locked door from the outside.

(6) Every closet door latch must be designed to open from the inside.

(7) Open-flame devices and fireplaces, heating and cooking appliances, and products capable of igniting clothing must not be left unattended or used incorrectly.

(8) Fireplaces, wood stoves and other heating systems that have a surface hot enough to cause a burn must have a barrier to prevent access by children under age six years.

#### NEW SECTION

**WAC 388-140-0180 What are the requirements for smoke detectors?** (1) Group receiving centers licensed for sixteen or more residents must have an approved automatic and manual fire alarm system.

(2) Operation of any fire alarm activating device must automatically, without delay, activate off-site monitoring and signal a general alarm indication and sound an audible alarm throughout the building or affected part of the building.

(3) Group receiving centers licensed for fewer than sixteen persons must have smoke detectors installed in all sleeping room, corridors, and in areas separating use areas from sleeping areas.

(4) Smoke detectors must be installed following the approved manufacturer's instructions.

#### NEW SECTION

**WAC 388-140-0185 What are the requirements for a fire evacuation plan?** (1) You must develop a written fire evacuation plan for your group receiving center.

(2) The evacuation plan must include:

(a) An evacuation floor plan, identifying exit doors and windows;

(b) Action that the person discovering a fire must take;

(c) Methods for sounding an alarm on the premises;

(d) Ways to evacuate the building that ensures responsibility for children; and

(e) Action that staff must take while waiting for the fire department.

(3) The plan must be posted at each exit door.

#### NEW SECTION

**WAC 388-140-0190 What fire prevention measures must I take?** The department requires that you must take the following fire prevention measures for your group receiving center:

(1) You must assure that furnace rooms are:

(a) Maintained free of lint, grease, and rubbish; and

(b) Suitably isolated, enclosed, or protected.

(2) Flammable or combustible materials must be stored away from exits and in areas that are not accessible to children. Combustible rubbish must not be allowed to collect and must be removed from the building or stored in closed, metal containers away from building exits.

(3) All trash must be removed daily from the building and thrown away in a safe manner outside the building. All

containers used for the disposal of waste material must consist of noncombustible materials and have tops.

(4) All electrical motors must be kept free of dust.

(5) Open-flame devices capable of igniting clothing must not be left on, unattended or used in a manner that could result in an accidental ignition of children's clothing.

(6) Candles must not be used.

(7) All electrical circuits, devices and appliances must be properly maintained. Circuits must not be overloaded. Extension cords and multi-plug adapters must not be used in place of permanent wiring and proper outlets.

(8) Fireplaces, woodstoves, and similar devices must be installed and approved according to the rules that were in effect at the time of installation (see the local building permit). These devices must be properly maintained and must be cleaned and certified at least once a year or maintained according to the manufacturer's recommendations.

(9) Separate hazardous areas by at least a "one-hour" fire-resistant wall. Hazardous areas include rooms or spaces containing:

(a) A commercial-type cooking kitchen;

(b) A boiler;

(c) A maintenance shop;

(d) A janitor closet;

(e) A woodworking shop;

(f) A vehicle garage;

(g) Flammable or combustible materials; or

(h) Painting operations.

(10) The department does not require a fire-resistant wall when:

(a) A kitchen contains only a domestic cooking range; and

(b) Food preparation does not produce smoke or grease-laden vapors.

#### NEW SECTION

**WAC 388-140-0195 What are the requirements for fire drills?** (1) You must conduct monthly fire drills to test and practice the evacuation procedures.

(2) The monthly fire drill must be conducted on each shift, so that each person providing care to children participates in the drill.

(3) You must consult with and follow the state fire marshal protocol for "mock" fire drills, if you care for nonambulatory children.

(4) You must maintain a written record on the premises that indicates the date and time that drill practices were completed at your group receiving center.

#### NEW SECTION

**WAC 388-140-0200 What fire safety procedures do center staff need to know?** You and your staff at a group receiving center must be familiar with:

(1) Safety procedures related to fire prevention; and

(2) All aspects of a fire drill.

(3) Your and your staff must be able to:

(a) Operate all fire extinguishers installed on the premises;

(b) Test smoke detectors (single station types);

(c) Conduct frequent inspections of the facility to identify fire hazards; and

(d) Correct any hazards noted during the inspection.

#### NEW SECTION

**WAC 388-140-0205 What are the requirements for fire sprinkler systems?** (1) Where a sprinkler system is required, a system complying with the uniform building code standards must be installed.

(2) A Washington state licensed fire sprinkler contractor must annually test and certify sprinkler systems installed in a group receiving center for fire prevention.

### HEALTH AND ENVIRONMENT

#### NEW SECTION

**WAC 388-140-0210 Does a center need approval from the department of health to operate?** (1) A group receiving center must receive a certificate of compliance from the department of health before the division of licensed resources (DLR) will issue a group receiving center license.

(2) The department of health (DOH) conducts the health and safety survey. A registered nurse (RN) and/or a public health sanitarian may complete the survey.

#### NEW SECTION

**WAC 388-140-0215 What are the physical structure safety requirements for a center?** You must keep the equipment and the physical structures in your group receiving center safe and clean for the children you serve. You must:

(1) Maintain your buildings, premises, and equipment in a clean and sanitary condition, free of hazards, and in good repair.

(2) Provide handrails for steps, stairways, and ramps, if required by the department.

(3) Have emergency lighting devices available and in operational condition.

(4) Furnish your center appropriately, based on the age and activities of the children under care.

(5) Have washable, water-resistant floors in your center bathrooms, kitchens, and any other rooms exposed to moisture. The department may approve washable, short-pile carpeting that is kept clean and sanitary for your facility's kitchens.

(6) Provide tamper proof or tamper resistant electrical outlets or blank covers installed in areas accessible to children under the age of six or other persons with limited mental capacity or who might be endangered by access to them.

(7) Have easy access to rooms occupied by children in case an emergency arises. Some examples are bedrooms, toilet rooms, shower rooms, and bathrooms.

(8) Have a written disaster plan for emergencies such as fire and earthquakes.

#### NEW SECTION

**WAC 388-140-0220 What are the requirements for the location of a center?** (1) Your group receiving center

must be located on a well-drained site, free from hazardous conditions. Some examples of hazards are natural or man-made water hazards such as lakes or streams, steep banks, ravines, and busy streets.

(2) The safety of the children in care is paramount. You must discuss with the licensor any potential hazardous conditions, considering the children's ages, behaviors, and abilities.

(3) If DLR decides that hazardous conditions are present at the group receiving center, a supervision plan must be written for the children in care.

#### NEW SECTION

**WAC 388-140-0225 What are the requirements for emergency aid vehicle access to my center?** (1) Your group receiving center must be accessible to emergency vehicles.

(2) Your address must be clearly visible on the facility or mailbox so that firefighters or medics can easily find your center location.

#### NEW SECTION

**WAC 388-140-0230 What steps must I take to ensure children's safety around outdoor bodies of water?** (1) You must ensure children in your care at a group receiving center are safe around bodies of water.

(2) On a daily basis, you must empty and clean any portable wading pool that children use.

(3) When they are swimming, wading, or near a body of water, children under twelve must be in continuous visual range at all times by an adult with current first aid and age appropriate CPR.

(4) You must ensure age and developmentally appropriate supervision of any child that uses hot tubs, swimming pools, spas, and other man-made and natural bodies of water.

(5) All safety devices and rescue equipment, such as life jackets, must meet state water safety regulations.

(6) You must lock or secure hot tubs and spas when they are not in use.

(7) You must place a fence designed to discourage climbing and have a locking gate around a pool or have another DLR approved safety device. The pool must be inaccessible to children when not in use.

(8) A certified lifeguard must be on duty when children are using a swimming pool.

#### NEW SECTION

**WAC 388-140-0235 What measures must I take for pest control?** You must make reasonable attempts, using the least toxic methods, to keep the premises of the group receiving center free from pests. This includes rodents, flies, cockroaches, fleas, and other insects.

#### NEW SECTION

**WAC 388-140-0240 What are the requirements regarding pets and animals at a center?** (1) In a group receiving center, you must not have any common household

pets, exotic pets, other animals, birds, insects, reptiles, or fish that are dangerous or provide a risk to the children in care.

(2) Common household pets, exotic pets, animals, birds, insects, reptiles, and fish must:

(a) Be cared for in compliance with state regulations and local ordinances; and

(b) Be free from disease and cared for in a safe and sanitary manner.

#### NEW SECTION

**WAC 388-140-0245 Are alcoholic beverages allowed at a center?** You must not have alcohol on the premises of a group receiving center. The staff of the center may not consume alcohol on the premises or during breaks.

#### NEW SECTION

**WAC 388-140-0250 Is smoking permitted around children?** (1) You must prohibit smoking in the group receiving center and in motor vehicles while transporting children.

(2) You may permit adults to smoke outdoors away from children.

(3) Nothing in this section is meant to interfere with traditional or spiritual Native American ceremonies involving the use of tobacco.

#### NEW SECTION

**WAC 388-140-0255 May I have firearms at a center?** The department prohibits firearms, ammunition, and other weapons on the premises of a group receiving center.

#### NEW SECTION

**WAC 388-140-0260 May I use wheeled baby walkers?** The department prohibits the use of wheeled baby walkers in a group receiving center.

### STORAGE OF MEDICATIONS AND CHEMICALS

#### NEW SECTION

**WAC 388-140-0265 Are there requirements for the storage of medications?** At a group receiving center:

(1) You must keep all medications, including pet medications, vitamins and herbal remedies, in locked storage.

(2) You must store external medications separately from internal medications.

(3) You must store medications according to the manufacturer or pharmacy instructions.

(4) Pet and human medications must be stored in separate places.

#### NEW SECTION

**WAC 388-140-0270 Are there requirements for storing dangerous chemicals or other substances?** (1) At a group receiving center, you must store the following items in a place that is not accessible to children, persons with limited

mental capacity, or anyone who might be endangered by access to the following products:

(a) Cleaning supplies;

(b) Toxic or poisonous substances;

(c) Aerosols; and

(d) Items with warning labels.

(2) When containers are filled with toxic substances from a stock supply, you must label the containers filled from a stock supply.

(3) Toxic substances must be stored separately from food items.

### FIRST-AID SUPPLIES

#### NEW SECTION

**WAC 388-140-0275 Are first-aid supplies required?**

(1) At a group receiving center, first-aid supplies must be kept on hand for immediate use, including nonexpired syrup of ipecac that is to be used only when following the instruction of the poison control center.

(2) The following first-aid supplies must be kept on hand:

(a) Barrier gloves and one-way resuscitation mask;

(b) Bandages;

(c) Scissors and tweezers;

(d) Ace bandage;

(e) Gauze;

(f) Thermometer; and

(g) A first-aid manual.

### MEDICAL CARE AND MEDICATION MANAGEMENT

#### NEW SECTION

**WAC 388-140-0280 What are the requirements for medical policies and procedures for a center?** (1) Group receiving centers must have written policies and procedures about the control of infections. These policies must include, but are not limited to, the following areas:

(a) Isolation;

(b) Aseptic procedures;

(c) Reporting communicable diseases;

(d) Hygiene, including hand washing, using the toilet, diapering, and laundering.

(2) Group receiving centers must maintain current written medical policies and procedures to be followed on:

(a) Prevention of the transmission of communicable diseases including:

(i) Hand washing for staff and children; and

(ii) Management and reporting of communicable diseases.

(b) Medication management, including steps to be taken if medication is incorrectly administered;

(c) First aid;

(d) Care of minor illnesses;

(e) Actions to be taken for medical emergencies;

(f) Infant care procedures when infants are under care; and

(g) General health practices.

(3) You must arrange to have one of the following help you develop and periodically review your medical policies and procedures:

- (a) An advisory physician,
- (b) A physician's assistant, or
- (c) A registered nurse.

#### NEW SECTION

**WAC 388-140-0285 Must all children accepted for care have current immunizations?** (1) Group receiving centers may accept a child for care who is not current with immunizations or whose immunization status is unknown.

(2) If a child's placement at a center extends beyond thirty days, you must obtain the child's immunization records and if the child is not current update immunizations as soon as medically possible.

#### NEW SECTION

**WAC 388-140-0290 What must I do to prevent the spread of infections and communicable diseases?** (1) You must take precautions to guard against infections and communicable diseases infecting the children under care in your center.

(2) In a group receiving center, staff with a reportable communicable disease or notifiable disease conditions, as defined by the department of health, in chapter 246-101 WAC, in an infectious stage must not be on duty until they have a physician's approval for returning to work.

(3) Applicants for a license or adults authorized to have unsupervised access to children in a center must have a tuberculin (TB) skin test by the Mantoux method of testing. They must have this skin test upon being employed or licensed unless:

- (a) The person has evidence of testing within the previous twelve months;
- (b) The person has evidence that they have a negative chest x-ray since a previously positive skin test;
- (c) The person has evidence of having completed adequate preventive therapy or adequate therapy for active tuberculosis.

(4) The department does not require a tuberculin skin test if:

- (a) A person has a tuberculosis skin test that has been documented as negative within the past twelve months; or
- (b) A physician indicates that the test is medically unadvisable.

(5) Persons whose tuberculosis skin test is positive must have a chest x-ray within thirty days following the skin test.

(6) The department does not require re-testing unless a person believes they have been exposed to someone with tuberculosis or if testing is recommended by their health care provider.

(7) The center must keep the results of the applicant and employees TB test results in the personnel file available for review by DLR.

#### NEW SECTION

**WAC 388-140-0295 How do I manage medications for children?** (1) You must meet the department's requirements for managing prescription and nonprescription medication for children under your care.

(2) If you care for children in the custody of a tribal court you must follow the direction of that court regarding giving or applying prescription and nonprescription medications or ointments.

(3) Only you or another authorized care provider (staff) may:

(a) Have access to medications for the child under your care; and

(b) Give medications, prescription and nonprescription, only on the written approval of a parent, person or agency having authority by court order to approve medical care.

Exception: There are several over-the-counter medications that may be given without a physician's order. Those medications are listed in WAC 388-140-0295(13).

(4) You or another authorized care provider must give medications, prescription and nonprescription:

- (a) Only as specified on the prescription label; or
- (b) As otherwise approved by a physician or another person legally authorized to prescribe medication.

(5) You must keep a record of all medications you give a child.

(6) You and other authorized care provider must consult with a pharmacist on the proper disposal of medications that are no longer being taken or have expired.

(7) The disposal of any prescription medication must be documented and contain the following information:

- (a) What medication was disposed;
- (b) The name of the child the medication was prescribed for;
- (c) The amount disposed;
- (d) The name of the individual disposing of the medication; and
- (e) The name of the individual witnessing the disposal.

(8) Children taking oral medications must have the prescribing physician's written authorization before any medications, herbal supplements or remedies, or vitamins and minerals are given.

#### **Nonprescription medications**

(9) Nonprescription medications may be given with a physician's standing order, if the order is child specific.

(10) The prescribing physician must be aware of all prescription and nonprescription medication the child is taking.

(11) You or another authorized care provider (staff) may give the following medications without a physician's order:

- (a) Nonaspirin antipyretics/analgesics, fever reducers/pain relievers;
- (b) Nonnarcotic cough suppressants;
- (c) Decongestants;
- (d) Antacids and anti-diarrhea medication;
- (e) Anti-itching ointments or lotions intended specifically to relieve itching;
- (f) Shampoo for the removal of lice;
- (g) Diaper ointments and powders intended specifically for use in the diaper area of children;
- (h) Sun screen for children over six months; and

- (i) Antibacterial ointment for first aid use.

### **Psychotropic medications**

(12) Care providers must not approve giving or stopping psychotropic medications to a child in care. Approval can only be given by one of these:

- (a) The child's parent;
- (b) Dependency guardians;
- (c) A court order; or
- (d) The child's social worker, if:

(i) The child is legally free and in the permanent custody of the department; or

(ii) It is impossible to obtain informed parental consent after normal work hours, on weekends, or on holidays.

(13) Children who are at least thirteen years old may decline to take prescription psychotropic medication. If this happens contact the child's social worker immediately and document the child's refusal.

### NEW SECTION

**WAC 388-140-0300 What medicine may I accept for a child?** The only medicine you may accept from the child's parent, legal guardian, law enforcement officer, or department social worker is medicine in the original container labeled with:

- (1) The child's first and last names;
- (2) The date the prescription was filled;
- (3) The medication's expiration date; and
- (4) Legible instructions for the administration of the drug (manufacturer's instructions or prescription label).

### NEW SECTION

**WAC 388-140-0305 When may children take their own medicine?** (1) You may permit children under your care to take their own medicine as long as:

- (a) They are physically and mentally capable of properly taking the medicine; and
- (b) The child's parent or legal guardian approves in writing.

(2) You must keep the written approval by the child's parent or legal guardian in your records.

(3) When children take their own medication, the medication and medical supplies must be kept locked or inaccessible to other children and unauthorized persons.

### NEW SECTION

**WAC 388-140-0310 When must I get medical exams for the children under my care?** (1) In consultation with the child's social worker, you must schedule a physical exam (EPSDT) for any child who, within the past year, has not:

- (a) Been under regular medical supervision; or
- (b) Had a physical exam by a physician, a physician's assistant, or an advanced registered nurse practitioner (ARNP).

(2) A physical exam (EPSDT) must be completed within thirty days of placement and annually thereafter.

Note: You may contact the child's social worker for information on this.

### NEW SECTION

**WAC 388-140-0315 Whom do I notify about medication changes and reactions?** (1) You must notify the child's social worker of changes in prescribed medications.

(2) You must notify the child's social worker and physician about any adverse reactions the child has to medications.

### **FOOD/DIET/MENUS**

### NEW SECTION

**WAC 388-140-0320 Are there general menu requirements?** The department has menu requirements for group receiving centers.

(1) Your program must be in compliance with the department of health standards in chapter 246-215 WAC on food service sanitation.

(2) You must prepare and date daily menus, including snacks, at least one week in advance.

(3) You must provide for the proper storage, preparation, and service of food to meet the needs of the program.

(4) A menu must specify a variety of foods for adequate nutrition and meal enjoyment.

(5) You must keep the menus on file for a minimum of six months so that we can review your menus.

(6) You must post each person's dietary restrictions, if any, for staff to follow.

(7) You must post a schedule of mealtimes.

### NEW SECTION

**WAC 388-140-0325 How often must I feed children at a center?** (1) You must provide all children a minimum of three meals in each twenty-four hour period. You may vary from this guideline only if you write to your licensor requesting a change and the request is approved by DLR.

(2) The time interval between the evening meal or snack and breakfast must not be more than fourteen hours.

### NEW SECTION

**WAC 388-140-0330 How do I handle a child's special diet?** Unless a child is admitted to a group receiving center with a written physician's order as medically necessary for the child, the following must not be served:

- (1) Nutrient concentrates, supplements, or amino-acids;
- (2) Vitamins; or
- (3) Modified diets.

### NEW SECTION

**WAC 388-140-0335 What home canned foods may I use?** You may not serve home canned foods to children at a group receiving center.

### **ROOM REQUIREMENTS**

### NEW SECTION

**WAC 388-140-0340 Are there room requirements?** (1) You must provide rooms that are ample in size and prop-

erly furnished for the number of children you serve at a group receiving center.

(2) With thirteen or more children, you must provide at least one separate indoor recreation area. Its size and location must be sufficient for the age and number of the children using it to engage in recreational and informal education activities.

(3) You must provide a room or area that is used as an administrative office. In addition, suitable offices must be provided for social service staff. In facilities caring for fewer than thirteen children, these offices may be combined with the administrative office.

#### NEW SECTION

**WAC 388-140-0345 When do I need a special care room?** (1) A group receiving center must provide a special care room reserved for the care of a person who needs to be separated from the group due to injury, illness or the need for additional rest.

(2) A special care room must:

(a) Be located in a place that easily allows the person to be supervised;

(b) Have toilet and lavatory facilities that are easily accessible to any person staying in the special care room.

(3) After each use have the area and equipment sanitized if used by any person who is suspected of having a communicable disease.

(4) The special care room may be used for other purposes when it is not needed for the separation and care of an ill or injured person.

#### NEW SECTION

**WAC 388-140-0350 What does the room temperature at a center need to be?** (1) You must maintain the temperature within your group receiving center facility at a reasonable level while occupied. This would normally be a minimum of sixty-eight degrees Fahrenheit during waking hours and a minimum of sixty-five degrees Fahrenheit during sleeping hours.

(2) You must consider the age and needs of the children under your care in determining appropriate temperature.

#### NEW SECTION

**WAC 388-140-0355 What are the kitchen requirements?** (1) You must provide facilities to properly store, prepare, and serve food to meet the needs of the children under your care at your group receiving center.

(2) All food service facilities and food handling practices must comply with rules and regulations of the state board of health governing food service sanitation (chapter 246-215 WAC). This includes food handler's permit for all staff.

#### NEW SECTION

**WAC 388-140-0360 May I use the kitchen for activities for children?** Children are not allowed in the kitchen of a group receiving center without age-appropriate supervision.

#### NEW SECTION

**WAC 388-140-0365 May a room be used for more than one purpose?** At your group receiving center you may use a room for multiple purposes such as playing, dining, napping, and learning activities, provided that:

(1) The room is of sufficient size; and

(2) The room's usage for one purpose does not interfere with usage of the room for another purpose.

#### NEW SECTION

**WAC 388-140-0370 What are the general requirements for bedrooms?** You must meet all the following requirements for bedrooms at a group receiving center.

(1) An adult must be on the same floor or within easy hearing distance and accessibility to where children less than six years of age are sleeping:

(2) For children six years and older, you must furnish separate sleeping quarters for each gender.

(3) Any room used for sleeping must provide adequate floor space for the safety and comfort of the child. Normally, this would be at least fifty square feet of floor space, not including closets, per child.

(4) Bedrooms must have both:

(a) Adequate ceiling height for the safety and comfort of the children (normally, at least seven and a half feet); and

(b) At least one window of not less than one-tenth of the required floor space that opens to the outside. This allows natural light into the bedroom and permits emergency access or exit.

(5) You must use only bedrooms that have unrestricted direct access to hallways, corridors, living rooms, day rooms, or other such common use areas.

(6) You must not use hallways, kitchens, living rooms, dining rooms, and unfinished basements as bedrooms.

(7) The number of beds allowed at a group receiving center is established in by the licenser in consultation with the DOH surveyor for each center.

#### **BEDS**

#### NEW SECTION

**WAC 388-140-0375 What are the requirements for beds?** (1) Children must have their own bed at a group receiving center. The bed must be at least twenty-seven inches wide with a clean and comfortable mattress in good condition.

(2) For each child in care, you must provide a pillow and pillowcase, blankets, and sheets.

(3) Pillows must be covered with waterproof material or be washable.

(4) Bedding must be clean.

(5) You must provide waterproof mattress covers or moisture resistant mattresses, if needed.

(6) You may use toddler beds with a standard crib mattress that is sufficient in length and width for the comfort of a toddler.

(7) You must not allow children to use the loft style beds or upper bunks of double-deck beds if using them due to age,



development or condition could hurt them. Examples: Pre-school age children and children with disabilities.

(8) If a cot is used as the bed, the licensee must ensure the child's cot is of sufficient length and width, and constructed to provide adequate comfort for the child to sleep. You must ensure that the cot surface is of a material that can be cleaned with a detergent solution, disinfected, and allowed to air dry.

(9) You must not use canvas cots.

(10) A mat may be used for napping but not as a substitute for a bed.

## DIAPER CHANGING AND BATHING FACILITIES

### NEW SECTION

**WAC 388-140-0380 What are the requirements for diapers and diaper-changing areas?** At a group receiving center, you must follow the requirements for diapers, diaper-changing rooms, and potty-chairs, if you provide care to children who are not toilet trained.

(1) You must separate diaper-changing areas from food preparation areas.

(2) You must sanitize diaper-changing areas between each use or you must use a nonabsorbent, disposable covering that is discarded after each use.

(3) For cleaning children, you must use either disposable towels or clean cloth towels that have been laundered between each use.

(4) You and any caregiver must wash hands before and after diapering each child.

(5) You must use disposable diapers, a commercial diaper service, or reusable diapers supplied by the child's family.

(6) Diaper-changing procedures must be posted at the changing areas.

(7) Diaper-changing areas must be adjacent to a hand-washing sink.

(8) The staff must be within arms-length of the child being diapered at all times while changing diapers. The use of safety belts is prohibited.

(9) Diaper-changing tables or surfaces must have a barrier or edge that is a minimum of four inches above the pad or six inches above the top of the table.

### NEW SECTION

**WAC 388-140-0385 What are the requirements for bathing facilities?** Group receiving centers must comply with the requirements that follow.

(1) Bathing facilities must be inaccessible to preschool age and younger children when not in use.

(2) Preschool age and younger children must be supervised while using bathing facilities.

(3) Bathing facilities must be equipped with a conveniently located grab bar or other safety device such as a non-skid pad.

(4) The ratio of bathing facilities to children in care must be at least one bathing facility for eight children.

## TELEPHONE/LIGHTING/VENTILATION/WATER/WASTE DISPOSAL

### NEW SECTION

**WAC 388-140-0390 Do I need a telephone?** (1) You must have at least one telephone on the premises for incoming and outgoing calls. The telephone must be accessible for emergency use at all times.

(2) You must post emergency phone numbers next to the phone.

### NEW SECTION

**WAC 388-140-0395 What are the lighting requirements?** (1) You must locate light fixtures and provide lighting that promotes good visibility and comfort for the children under your care at your group receiving center.

(2) Group receiving centers must have nonhazardous light fixture covers or shatter resistant (or otherwise made safe) light bulbs or tubes.

### NEW SECTION

**WAC 388-140-0400 What are the requirements for ventilation?** (1) You must ensure that your physical facility is ventilated for the health and comfort of the persons under your care at the group receiving center.

(2) A mechanical exhaust fan to the outside must ventilate toilets and bathrooms, and utility rooms with mop sinks that do not have windows opening to the outside.

### NEW SECTION

**WAC 388-140-0405 What are the requirements about drinking water?** (1) You must provide the following:

(a) A public water supply or a private water supply approved by the local health authority at the time of licensing or re-licensing; and

(b) Disposable paper cups, individual drinking cups or glasses, or angled jet type drinking fountains.

(2) You must not use bubbler type fountains or common drinking cups.

### NEW SECTION

**WAC 388-140-0410 What are the requirements for sewage and liquid wastes?** Group receiving centers must discharge sewage and liquid wastes into a public sewer system or into a functioning septic system.

## LAUNDRY, SINKS, AND TOILETS

### NEW SECTION

**WAC 388-140-0415 What are the requirements for laundry facilities?** The department has specific requirements for laundry facilities at a group receiving center.

(1) You must have separate and adequate facilities for storing soiled and clean linen.

(2) You must provide adequate laundry and drying equipment, or make other arrangements for getting laundry done on a regular basis.

(3) You must locate laundry equipment in an area separate from the kitchen and child care areas.

(4) Laundry equipment must be vented to the outdoors.

(5) You must make laundry equipment inaccessible to young children.

#### NEW SECTION

**WAC 388-140-0420 What are the requirements for washing clothes?** You must use an effective way to sanitize laundry contaminated with urine, feces, lice, scabies, or other potentially infectious materials at your group receiving center. You must sanitize laundry through temperature control or the use of chemicals.

#### NEW SECTION

**WAC 388-140-0425 Do I need a housekeeping sink?** Facilities licensed to provide emergency respite care must have and use a housekeeping sink or DOH-approved method of drawing clean mop water and disposing of the wastewater.

#### NEW SECTION

**WAC 388-140-0430 What are the requirements for hand-washing sinks?** (1) A group receiving center must supply children with warm running water for hand washing. The water must be kept at a temperature range of not less than eighty-five degrees Fahrenheit and not more than one hundred and twenty degrees Fahrenheit.

(2) The children's hand washing facilities must be located in or adjacent to rooms used for toileting.

(3) The center must provide the child with soap and individual towels or other appropriate devices for washing and drying the child's hands and face.

(4) Hand washing sinks must be of appropriate height and size for children in care or your center must furnish safe, easily cleanable platforms impervious to moisture.

(5) A group receiving center must provide:

(a) A minimum of two hand washing sinks; and

(b) A ratio of one sink for every eight children at the center.

#### NEW SECTION

**WAC 388-140-0435 What are the requirements for toilets?** (1) A group receiving center must provide a minimum of two toilets and a ratio of one toilet for every eight children at the center.

(2) Children eighteen months of age or younger and other children using toilet training equipment need not be included when determining the number of required flush-type toilets.

(3) If urinals are provided, the number of urinals must not replace more than one-third of the total required toilets.

(4) Privacy for toileting must be provided for children of the opposite sex who are six years of age and older and for other children demonstrating a need for privacy.

(5) A mounted toilet paper dispenser for each toilet must be provided.

(6) Toilets and urinals must be of appropriate height and size for children in care or your center must furnish safe, easily cleanable platforms impervious to moisture.

#### NEW SECTION

**WAC 388-140-0440 Must a center have toilet training equipment for children?** (1) A group receiving center must have developmentally appropriate toilet-training equipment, when the center serves children who are not toilet trained.

(2) The equipment must be sanitized after each child's use.

### INDOOR RECREATION AREAS

#### NEW SECTION

**WAC 388-140-0445 What are the requirements for indoor recreation areas?** (1) The group receiving center's indoor premises must contain adequate area for child play and sufficient space to house a developmentally appropriate program for the number and age range of children served.

(2) You must provide a minimum of thirty-five square feet of usable floor space per child, not counting bathrooms, hallways, and closets.

(3) You may use and consider the napping area as child care space, if there are not beds or cots on the floor space.

(4) Any room used for napping or sleeping must have a window to allow natural light into the room.

### OUTDOOR RECREATION AREAS

#### NEW SECTION

**WAC 388-140-0450 What are the requirements for an outdoor recreation area?** (1) You must provide a safe and securely-fenced or department-approved, enclosed outdoor recreation area at a group receiving center.

(2) The fenced or approved enclosed outdoor recreation area must prevent child access to roadways and other dangers.

(3) The fence or enclosure must protect the play area from unauthorized exit or entry. Any fence or enclosure must be designed to discourage climbing.

(4) The outdoor recreation area must adjoin directly the indoor premises or be reachable by a safe route and method.

(5) The outdoor recreation area must promote the child's active play, physical development, and coordination.

#### NEW SECTION

**WAC 388-140-0455 What are the size requirements for an outdoor recreation area?** (1) You must ensure the recreation area at a group receiving center contains a minimum of seventy-five usable square feet per child.

(2) If not all of the children are using the outdoor recreation area at the same time, you may reduce the outdoor rec-

recreation area size by the number of children normally using the area at one time.

### NEW SECTION

**WAC 388-140-0460 What are the requirements for playground equipment?** (1) You must provide a variety of age appropriate play equipment for climbing, pulling, pushing, riding, and balancing activities at a group receiving center.

(2) You must arrange, design, construct, and maintain equipment and ground cover to prevent child injury.

(3) The quantity of outdoor play equipment must offer the child a range of outdoor recreation options.

## TRANSPORTATION

### NEW SECTION

**WAC 388-140-0465 Are there requirements to follow when I transport children?** When you transport children under your care, you must follow these requirements.

(1) The vehicle must be kept in a safe operating condition.

(2) The driver must have a valid driver's license.

(3) There must be at least one adult other than the driver in a vehicle when:

(a) There are more than five preschool-aged children in the vehicle;

(b) Staff-to-child ratio guidelines or your contract require a second staff person; or

(c) The child's specific needs require a second adult person.

(4) The driver or owner of the vehicle must be covered under an automobile liability and insurance policy.

(5) Your vehicles must be equipped with seat belts, car seats and booster seats, and/or other appropriate safety devices for all passengers as required by law.

(6) The number of passengers must not exceed the vehicle's seat belts.

(7) All persons in the vehicle must use seat belts or approved child passenger restraint systems, as appropriate for age, whenever the vehicle is in motion.

(8) Buses approved by the state patrol are not required to have seat belts.

## CLIENT RECORDS

### NEW SECTION

**WAC 388-140-0470 What does the department require for keeping client records?** (1) Your records must be kept at your group receiving center and contain, at a minimum, the following information:

(a) The child's name and birthdate;

(b) Inventory of personal belongings at the time of placement; and

(c) Names, address and telephone numbers of department social worker to be contacted in case of emergency;

(d) Information on specific cultural needs of the child;

(e) Medical history including any medical problems, name of doctor, type of medical coverage and provider, when available;

(f) Mental health history and any current mental health and behavioral issues, including medical and psychological reports when available; and

(g) Any other pertinent information related to the child, such as his or her visitation plan.

(2) Daily center logs are required with the signature of the person making the entry in the log. The logs must document the following:

(a) Date, time, and which residents and staff are participating in an activity;

(b) Narrative to note behavior and issues of residents;

(c) Any health or safety issues;

(d) Staff to resident ratio on each shift;

(e) On-call and relief staff on duty during emergencies;

(f) The after-hours telephone number of the supervisor;

(g) Dates and illnesses or accidents while at the center;

(h) Medications and treatments given at the center with the child's name;

(i) A copy of any suspected child abuse and/or neglect referrals made to children's administration; and

(j) Other information determined relevant by the department.

(3) Identifying and personal information about the child and their family must be kept confidential, unless permission has been given for release by the parent.

(4) You must keep information about the child and their families in a secure place.

(5) You must keep client files containing information not returned to the department, you must keep them for six years following the termination or expiration of any contract you have with the department.

### NEW SECTION

**WAC 388-140-0475 What written information is needed before a child is admitted to a center?** Before accepting a child for care at a group receiving center you must obtain the following written consent and information from the placing authority:

(1) Permission authorizing the placement of the child;

(2) Permission to seek emergency medical care or surgery on behalf of the child;

(3) The name and telephone number of the children's administration's social worker and emergency contacts; and

(4) Basic medical information, including current medication, known allergies, and at-risk behaviors of the child.

## CLIENT PROTECTION

### NEW SECTION

**WAC 388-140-0480 What are the requirements for protecting a child under my care from abuse and neglect?** As part of ensuring a child's health, welfare and safety, you must protect children under your care from all forms of child abuse and neglect (see RCW 26.44.020(12) and chapter 388-15 WAC for more details).

NEW SECTION

**WAC 388-140-0485 What are the nondiscrimination requirements?** You must follow all state and federal laws regarding nondiscrimination while providing services to children at your group receiving center.

NEW SECTION

**WAC 388-140-0490 Do I have to admit or retain all children at the center?** A group receiving center has the right to refuse to admit or retain a child who can not be served safely or who may pose a significant risk to other children.

NEW SECTION

**WAC 388-140-0495 What must I consider in assigning work to children in my home or facility?** (1) Children may do regular "household" tasks without payment.

(2) Children may do work assignments other than "household" tasks that are appropriate to their age and physical conditions and receive monetary compensation if this is part of their service plan.

**CLIENT RIGHTS**NEW SECTION

**WAC 388-140-0500 Do I have responsibility for a child's personal hygiene?** (1) You must provide or arrange for children under your care to have items needed for grooming and personal hygiene.

(2) You must assist these children in using these items, based on the child's developmental needs.

(3) Clothing must be clean and age-appropriate.

NEW SECTION

**WAC 388-140-0505 Does each child need space for personal items at the center?** You must provide separate space for the storage of personal items such as clothing, radios, and toys for each child at your group receiving center.

**DISCIPLINE**NEW SECTION

**WAC 388-140-0510 What requirements must I follow when disciplining children?** (1) You are responsible for disciplining children in your care. This responsibility may not be delegated to a child.

(2) Discipline must be based on an understanding of the child's needs and stage of development.

(3) Discipline must be designed to help the child under your care to develop inner control, acceptable behavior and respect for the rights of others.

(4) Discipline must be fair, reasonable, consistent, and related to the child's behavior.

(5) Your discipline must comply with children's administration's behavior management guidelines for residential programs.

NEW SECTION

**WAC 388-140-0515 What types of disciplinary practices are forbidden?** (1) You must not use cruel, unusual, frightening, unsafe or humiliating discipline practices, including but not limited to:

- (a) Spanking children with a hand or object;
- (b) Biting, jerking, kicking, hitting, or shaking the child;
- (c) Pulling the child's hair;
- (d) Throwing the child;
- (e) Purposely inflicting pain as a punishment;
- (f) Name-calling or using derogatory comments;
- (g) Threatening the child with physical harm;
- (h) Threatening or intimidating the child; or
- (i) Placing or requiring a child to stand under a cold water shower.

(2) You must not use discipline methods that interfere with a child's basic needs. These include, but are not limited to:

- (a) Depriving the child of sleep;
- (b) Depriving the child of adequate food, clothing or shelter;
- (c) Restricting a child's breathing;
- (d) Interfering with a child's ability to take care of their own hygiene and toilet needs; or
- (e) Providing inadequate medical or emergency dental care.

(3) You must not use medication in an amount or frequency other than that prescribed by a physician or psychiatrist.

(4) You must not give one child's medications to another child.

(5) You must not use medication for behavior management unless a physician prescribes the medication to control that child's behavior.

NEW SECTION

**WAC 388-140-0520 Does the department require a written statement describing my discipline methods?** (1) With your application and re-application for licensure, you must provide a written statement describing the discipline methods you use, including your de-escalation and restraint policies and procedures.

(2) If your discipline methods change, you must immediately provide a new statement to your licensor describing your current practice.

**PHYSICAL RESTRAINT**NEW SECTION

**WAC 388-140-0525 What types of physical restraint are acceptable?** (1) You must use efforts other than physical restraint to redirect or de-escalate a situation.

(2) You must comply with children's administration's behavior management guidelines for residential programs for child de-escalation and physical restraint

(3) If a child's behavior poses an immediate risk to physical safety, you may use a physical restraint on a child. The restraint must be reasonable and necessary to:

(a) Prevent a child on the premises from harming himself/herself or others; or

(b) Protect property from serious damage.

#### NEW SECTION

**WAC 388-140-0530 What types of physical restraint are not acceptable for children?** You must not use:

(1) Physical restraint as a form of punishment or discipline;

(2) Mechanical restraints, such as handcuffs and belt restraints;

(3) Locked time-out rooms; or

(4) Physical restraint techniques that restrict breathing, or inflict pain as a strategy for behavior control, or that might injure a child. These include, but are not limited to:

(a) Restriction of body movement by placing pressure on joints, chest, heart, or vital organs;

(b) Sleeper holds, which are holds used by law enforcement officers to subdue a person;

(c) Arm twisting;

(d) Hair holds;

(e) Choking or putting arms around the throat; or

(f) Chemical restraints, including but not limited to pepper spray.

#### NEW SECTION

**WAC 388-140-0535 What must I do following an incident that involved using physical restraint?** The director or program manager of a group receiving center must review any incident with the staff who used physical restraint to ensure that the decision to use physical restraint and its application were appropriate.

#### NEW SECTION

**WAC 388-140-0540 What incidents involving children must I report?** (1) You or your staff at a group receiving center must report any of the following incidents immediately to children's administration intake staff:

(a) Any reasonable cause to believe that a child has suffered child abuse or neglect;

(b) Any violations of the licensing or certification requirements;

(c) Death of a child;

(d) Any child's suicide attempt that results in injury requiring medical treatment or hospitalization;

(e) Any use of physical restraint that is alleged to be improper, excessive, or results in injury;

(f) Sexual contact between two or more children that is not considered typical play between pre-school age children;

(g) Any disclosures of sexual or physical abuse by a child in care;

(h) Physical assaults between two or more children that result in injury requiring off-site medical treatment or hospitalization;

(i) Any medication that is given incorrectly and requires off-site medical treatment;

(j) Serious property damage that is a safety hazard and is not immediately corrected; or

(k) Anytime a child refuses to take any medication that may result in a situation that is life threatening.

(2) You or your staff must report immediately, any of the following incidents, to the child's social worker:

(a) Suicidal/homicidal ideation, gestures, or attempts that do not require professional medical treatment;

(b) Unexpected health problems that require professional medical attention or raise questions for the staff;

(c) Any significant incident of medication administered incorrectly;

(d) Physical assaults between two or more children that resulted in injury but did not require professional medical treatment;

(e) Runaways;

(f) Any emergency medical or psychiatric care that requires offsite attention; and

(g) Use of physical restraints for routine behavior management.

### STAFFING RATIO

#### NEW SECTION

**WAC 388-140-0545 What is the ratio of child care staff to children at a center?** The department has specific requirements for the ratio of child care staff to children at group receiving centers.

(1) At least two staff, including at least one child care staff person, must be on site whenever children are on the premises.

(2) The ratio for a group receiving center is at least one child care staff person on site for every four children who are under six during waking and sleeping hours.

(3) The ratio for a group receiving center is at least one child care staff person on site for every six children age six years and older, during waking and sleeping hours.

(4) The center may only provide care for two or more of the following age groups: Age two through five, six through twelve, and thirteen through seventeen, if a DLR approved safety plan addressing this circumstance is fully in effect.

(5) If the center provides care for children under age six and children six and older, you may allow common activities for the children of different age groups provided you maintain the staffing ratio designated for the youngest child in the group and have an approved safety plan in place.

(6) To keep the proper ratio of staff to children, the executive director, on-site program manager, support staff, and maintenance staff may serve temporarily as child care staff if they have adequate training and are performing child care staff duties.

(7) You must have relief staff so that all staff can have the equivalent of two days off a week.

(8) If you have more than one program in one building, such as a group receiving center and a crisis residential center, you must follow the most stringent staffing ratio requirements.

## SUPERVISION OF CHILDREN

### NEW SECTION

**WAC 388-140-0550 What are the requirements for supervision of children at the center?** (1) A group receiving center must operate under a DLR approved, written supervision and safety plan for the children in care.

(2) A group receiving center must provide or arrange for care and supervision that is appropriate and assures the safety of each child depending on:

- (a) The child's age, developmental level, and condition;
- (b) The activities, including recreation, the child is involved in; and
- (c) The age and gender of other children involved in any group activity.

(3) At a group receiving center, children under age six must be within visual range at all times during waking hours.

(4) You must ensure that the staff providing direct care and supervision of the children is free of other duties at the time of care.

(5) When a child has exhibited behavior that posed a safety risk to other children in a previous placement or the placing agency believes the child poses a risk to other children the placing agency must inform the provider and jointly develop a plan to address the risk.

(6) When a child exhibits behavior that poses a safety risk to other children in care, sleeping arrangements, bedroom assignments, and shared activity plans must be made, in consultation with the child's social worker, to ensure the safety of other children.

(7) Group receiving centers must supervise children who help with activities involving food preparation, based on their age and skills.

(8) Preschool children and children with severe developmental disabilities must not be left unattended in a bathtub or shower at a group receiving center.

(9) Staff and others caring for children at a group receiving center must provide the children with:

- (a) Appropriate adult supervision;
- (b) Emotional support;
- (c) Personal attention; and
- (d) Structured daily routines and living experiences.

### STAFF POSITIONS AND QUALIFICATIONS

#### NEW SECTION

**WAC 388-140-0560 Are there general qualifications for all staff in a group receiving center?** You, your staff, and other persons at a group receiving center who have access to the children must be able to demonstrate the understanding, ability, personality, emotional stability, and physical health suited to meet the cultural, emotional, mental, physical, and social needs of the children in care.

#### NEW SECTION

**WAC 388-140-0565 What are the qualifications for an executive director for a group receiving center?** (1) A group receiving center executive director or person responsi-

ble for the agency administration, agency oversight, and fiscal operation must meet, at a minimum, the requirements that follow.

(a) Be able to communicate to the department the roles, expectations and purposes of the program; and

(b) Work with representatives of other agencies.

(2) They must also meet one of these education or experience requirements:

(a) Have a bachelor's degree in business management or administration, or related field from an accredited school; or

(b) Have a minimum of two years of successful, full-time relevant experience.

#### NEW SECTION

**WAC 388-140-0570 What are the responsibilities of the director?** (1) The director of a group receiving center is responsible for the overall management of the center's facility and operation.

(2) The director serves as the administrator of the center.

(3) The director must ensure the group receiving center complies with the licensing requirements contained in this chapter.

#### NEW SECTION

**WAC 388-140-0575 What are the qualifications for the on-site program manager?** Each on-site program manager must have the following qualifications:

(1) A bachelor's degree in a social service or closely related field from an accredited school; or

(2) Five years of successful full-time experience in a relevant field; and

(3) Supervisory abilities that promote effective staff performance; and

(4) Relevant experience, training, and demonstrated skills in each area that he or she will be supervising.

(5) The same person may have the responsibilities of the executive director and the on-site program manager if that person meets the qualifications for both positions.

#### NEW SECTION

**WAC 388-140-0580 Do I need an on-site program manager at each group receiving center?** Each group receiving center must have an on-site program manager or person with the equivalent training and experience at each facility during business hours.

#### NEW SECTION

**WAC 388-140-0585 What are the responsibilities of the program manager or supervisor?** The on-site program manager has the following responsibilities:

(1) Coordinates the day-to-day operations of the program;

(2) Supervises the child care staff;

(3) Oversees the completion of each child's assessment or plan of care.

**NEW SECTION**

**WAC 388-140-0590 What qualifications must the child care staff for a group receiving center have?** The child care staff person of a group receiving center is responsible for the care, supervision, and behavior management of children under your care. The department requires that child care staff of a group receiving center:

- (1) Be at least twenty-one years old;

- (2) Exception: Child care staff may be eighteen to twenty years old if enrolled and participating in an internship or practicum program with an accredited college or university; and supervised by staff twenty-one years or older;

- (3) Have a high school diploma or GED;
- (4) Have one year of experience working with children;
- (5) Have the skills and abilities to work successfully with the challenging behaviors of children in care; and
- (6) Have effective communication and problem solving skills.

**NEW SECTION**

**WAC 388-140-0595 What are the minimum qualifications and training requirements for group receiving center staff?**

Position	Qualifications	Background Check	TB Test	Food Handlers Permit	First Aid and CPR	HIV/AIDS & Blood Borne Pathogens Training
Director	<ul style="list-style-type: none"> <li>• Twenty-one years of age;</li> <li>• Bachelor's degree in business management or administration or a related field; or</li> <li>• Two years of relevant experience.</li> </ul>	X	X	X	X	X
On-site Program Manager	<ul style="list-style-type: none"> <li>• Twenty-one years of age;</li> <li>• Bachelor's degree in social services or a related field; or</li> <li>• Five years of experience in relevant field.</li> </ul>	X	X	X	X	X
Child Care Worker	<ul style="list-style-type: none"> <li>• Twenty-one years of age.</li> <li>• High school diploma or GED.</li> <li>• One year of experience caring for children.</li> </ul>	X	X	X	X	X

**EMERGENCY**

**NEW SECTION**

**WAC 388-140-0600 May one person hold two positions at a center?** (1) The director or program manager at a group receiving center may be one and the same person when qualified for both positions.

(2) The director and program manager may also serve as child care staff when the role does not interfere with the director's or program manager's responsibilities.

**NEW SECTION**

**WAC 388-140-0605 Who must be on the premises while children are in care at a center?** (1) The director or program manager at a group receiving center must normally be on the premises during daytime hours when children are in care.

(2) If temporarily absent (for two hours or less) from the center, the director and program manager must leave a competent, designated staff person in charge. This person must meet the qualifications of child care staff person.

**NEW SECTION**

**WAC 388-140-0610 What clerical, accounting and administrative services do I need?** You must have sufficient clerical, accounting and administrative services to maintain proper records and carry out your program at a group receiving center.

**NEW SECTION**

**WAC 388-140-0615 What support and maintenance staff do I need?** You must have sufficient support and maintenance services to maintain and repair your facility and prepare and serve meals at a group receiving center.

**STAFF TRAINING**

**NEW SECTION**

**WAC 388-140-0620 What staff training is required?** (1) All staff working at a group receiving center (GRC) must complete a minimum of sixteen hours of pre-service job orientation prior to beginning unsupervised child care responsibilities. Training must include:

(a) Presentation of the group receiving centers policies and procedures as well and the standards contained in this chapter;

- (b) Behavior management techniques;
- (c) Crisis intervention techniques;
- (d) Family dynamics and family intervention techniques;
- (e) Child abuse and neglect reporting requirements;
- (f) Youth supervision requirements; and
- (g) HIV/AIDS/Blood-borne pathogen training.

(2) Staff working at a group receiving center must complete a minimum of twenty-four hours of on-going education and in-service training annually. This training must include:

(a) Crisis intervention techniques, including verbal de-escalation, positive behavior support, and physical response/restraint training as approved by the department;

- (b) Behavior management techniques;
- (c) Substance abuse;
- (d) Suicide assessment and intervention;
- (e) Family intervention techniques;
- (f) Cultural diversity;
- (g) Mental health issues and interventions;
- (h) Mediation skills;
- (i) Conflict management/problem-solving skills;
- (j) Physical and sexual abuse;
- (k) Characteristics and management of sexually aggressive and physically assaultive behavior;
- (l) Monthly fire drill practice and disaster training for each staff.

(3) You must record the amount of time and type of training provided to staff.

(4) This information must be kept in each employee's file or in a separate training file.

### PROGRAM ACTIVITIES AND TOYS

#### NEW SECTION

**WAC 388-140-0625 What are the requirements for an activity program?** (1) You must provide an activity program at a group receiving center that is designed to meet the developmental, cultural, and individual needs of the children served at a group receiving center.

(2) You must ensure the group receiving center's activity program allows time for children to have daily opportunities for small and large muscle activities and outdoor play.

(3) You must operate the group receiving center's activity program under a regular schedule of activities with allowances for a variety of special events.

(4) You must provide a planned program of activities and have a current, written activity schedule.

(5) You must provide appropriate supervision for the number of children participating in any activity.

#### NEW SECTION

**WAC 388-140-0630 What activities must I provide to children?** (1) Activities must be designed for the developmental stages of the children you serve at a group receiving center, allowing a balance between:

- (a) Child-initiated and staff-initiated activities;
- (b) Free play and organized events;

- (c) Individual and group activities; and
- (d) Quiet and active experiences.

(2) You must ensure that children at a group receiving center are grouped to ensure the safety of children.

#### NEW SECTION

**WAC 388-140-0635 Do I need to provide recreational equipment?** (1) You must provide safe and suitable recreational equipment for all children in your care at a group receiving center.

(2) You must have toys that relate to the different developmental stages of the children you serve at a group receiving center.

### WSR 04-05-003 EMERGENCY RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed February 5, 2004, 1:05 p.m., effective February 6, 2004]

Date of Adoption: February 3, 2004.

Purpose: To amend the Washington combined application program (WASHCAP) WAC chapter to comply with a revised federal waiver. The new rules further define WASHCAP eligibility.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-492-0010; and amending WAC 388-492-0020, 388-492-0030, 388-492-0040, 388-492-0050, 388-492-0060, 388-492-0070, 388-492-0080, 388-492-0090, 388-492-0100, 388-492-0110, 388-492-0120, and 388-492-0130.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.

Under 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; and that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: These emergency rules must be effective February 6, 2004, to comply with an amended food and nutrition services waiver. Federal regulations governing combined application projects (CAP) or demonstration projects is found in 7 C.F.R. 282. The rules will ensure that department clients who are eligible for federal supplemental security income (SSI) can receive food benefits under the amended waiver.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 12, Repealed 1; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.



Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 12, Repealed 1.

Effective Date of Rule: February 6, 2004.

February 3, 2004

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 02-15-148, filed 7/22/02, effective 9/1/02)

**WAC 388-492-0020 What is WASHCAP food assistance?** WASHCAP (~~stands for~~) means the Washington State Combined Application program.

(1) WASHCAP is a simplified food assistance program for certain Supplemental Security Income (SSI) clients ((that are eligible for SSI from SSA and meet some other basic requirements:

(1) If you live in Washington state and get SSI, SSA asks you if you want to get food assistance benefits. If you meet the requirements of WAC 388-492-0030, you will get your food assistance benefits through WASHCAP)). Unless specifically stated in this chapter, WASHCAP follows all the program requirements of the Basic Food program as described under WAC 388-400-0040.

(2) ((If you are eligible for WASHCAP, SSA electronically sends us the information we need to open your benefits. You do not have to go to your local community services office to apply for food assistance benefits.

(3) While you get WASHCAP benefits, you must report all changes to SSA. SSA automatically shares your information we need for your WASHCAP benefits. You can report changes to your WASHCAP worker, but you do not have to do so. See WAC 388-492-0080 regarding changes to shelter costs)) Social Security Administration (SSA) asks you if you want to get food assistance benefits when you apply for SSI in Washington state.

(3) If you meet the requirements of WAC 388-492-0030, you will get WASHCAP food benefits unless you can choose Basic Food benefits under WAC 388-492-0040.

(4) If you are eligible for WASHCAP under WAC 388-492-0030, SSA electronically sends us the information we need to open your WASHCAP food benefits.

(5) WASHCAP food benefits begin the first month after you are eligible for SSI.

(6) You do not have to go to your local community services office (CSO) to apply for WASHCAP.

(7) If you want Basic Food benefits before WASHCAP food benefits begin, you can apply at your local CSO, home and community services office (HCS), or SSA using the application for benefits form, number 14-001.

(8) While you get WASHCAP food benefits, you must report all changes to SSA.

(9) SSA shares the changes you report to them with your WASHCAP worker.

(10) You do not have to report changes to your WASHCAP worker. See WAC 388-492-0080.

**AMENDATORY SECTION** (Amending WSR 02-15-148, filed 7/22/02, effective 9/1/02)

**WAC 388-492-0030 Who can get WASHCAP? (1) ((When you apply for food assistance,))** You can get WASHCAP benefits ~~((when you are eighteen years of age or older and:~~

(a) Are eligible to receive federal SSI benefits;

(b) Live alone or SSA considers you as a single household;

(c) Buy and cook your food separately from others you live with;

(d) Do not have any earned income.

(2) You are not eligible for WASHCAP if:

(a) You live in an institution; or

(b) You are under age twenty two and you live in the same home as your parents)) if:

(a) You are eligible to receive federal SSI benefits;

(b) You are eighteen years of age or older;

(c) You live alone, or SSA considers you as a single household;

(d) You live with others but buy and cook for food separately from them;

(e) You do not have earned income when you apply for SSI;

(f) You already get WASHCAP food benefits and become employed and receive earned income for less than three consecutive months;

(g) You already get WASHCAP and move to an institution for ninety days or less.

(2) You are not eligible for WASHCAP food benefits if:

(a) You live in an institution;

(b) You are under age eighteen;

(c) You live with your spouse;

(d) You are under age twenty-two and you live with your parents who are getting Basic Food benefits;

(e) You begin working after you have been approved for WASHCAP and have earned income for more than three consecutive months;

(f) You live with others and do not buy and cook your food separately from them;

(g) You are ineligible for Basic Food benefits under WAC 388-400-0040 (13)(b) and (e).

(3) We accept SSA information about your WASHCAP eligibility unless you prove the information is not accurate.

**AMENDATORY SECTION** (Amending WSR 03-21-030, filed 10/7/03, effective 12/1/03)

**WAC 388-492-0040 Can I choose whether I get WASHCAP food benefits or Basic Food benefits?** You can choose to have Basic Food benefits instead of WASHCAP food benefits when:

(1) You would get more benefits from the Basic Food program.

(2) You may get more benefits in the Basic Food program when:

(a) Your shelter costs are more than five hundred fourteen dollars a month. We count the following items as a shelter cost:

- ~~((a))~~ (i) Rent or mortgage;
- ~~((b))~~ (ii) Property taxes;
- ~~((c))~~ (iii) Homeowner's insurance (for the building only); or
- ~~((d))~~ (iv) Mandatory homeowner's association or condo fees.

~~((2))~~ (b) Your out-of-pocket medical expenses are more than thirty-five dollars a month;

(3) You would get more benefits from being in the Basic Food program; or

(4) You are waiting to receive WASHCAP benefits).

AMENDATORY SECTION (Amending WSR 02-15-148, filed 7/22/02, effective 9/1/02)

**WAC 388-492-0050 How do I apply for (~~Washington state combined application program~~) WASHCAP(~~g~~) benefits)?** (1) You apply for WASHCAP food benefits at Social Security Administration (SSA) when you apply for Supplemental Security Income (SSI).

(2) If you want food assistance, your SSA worker will ask you (~~questions for~~) WASHCAP food eligibility questions when you have your SSI interview.

~~((2))~~ (3) If you are eligible for WASHCAP food benefits, your benefits will start the first of the month after the month you (~~start getting on-going~~) are eligible for SSI benefits.

~~((3))~~ (4) If you need food assistance in five days or less, you must apply for expedited service at:

- (a) Your local community services office (CSO);
- (b) Your local home and community services office (HCS) if you get long-term care services; or
- (c) The SSA (~~district~~) office if you give them an application for Basic Food expedited services when you apply for SSI. SSA forwards the Basic Food (~~assistance~~) application to the local CSO to process.

~~((4))~~ (5) If you want Basic Food (~~assistance~~) benefits before you get SSI, you must apply (~~for regular food assistance~~) at:

- (a) SSA if you give them an application for food assistance when you apply for SSI;
- (b) Your local CSO; or
- (c) Your local HCS office if you get long-term care services.

~~((5))~~ (6) If you already receive SSI and want WASHCAP food benefits, you can apply at:

- (a) Your SSA office;
- (b) Your local CSO;
- (c) Your local HCS office if you get long-term care services.

(7) If you get (~~regular food assistance~~) Basic Food benefits, these benefits will continue:

- (a) Through the end of your certification period; or
- (b) Through the month before your WASHCAP food benefits start.

~~((6))~~ (8) If your (~~regular food assistance ends~~) Basic Food benefits end before you are eligible for WASHCAP food benefits, you must reapply (~~for~~) to continue these benefits (~~to continue~~).

~~(7))~~.

(9) If you get (~~regular food assistance~~) Basic Food benefits and you become eligible for WASHCAP food benefits, we will automatically change your Basic Food benefits to WASHCAP food benefits.

AMENDATORY SECTION (Amending WSR 02-15-148, filed 7/22/02, effective 9/1/02)

**WAC 388-492-0060 How do I get my (~~Washington state combined application program~~) WASHCAP(~~g~~) benefits?** (1) If you are eligible for WASHCAP, you will get your food assistance benefits through electronic benefits transfer (EBT).

(2) The department issues your EBT food assistance benefits according to WAC 388-412-0025.

AMENDATORY SECTION (Amending WSR 03-21-030, filed 10/7/03, effective 12/1/03)

**WAC 388-492-0070 How are my (~~Washington state combined application program~~) WASHCAP(~~g~~) benefits calculated?** We calculate your (~~WASHCAP~~) food benefits as follows:

(1) We begin with your gross income. (~~Social Security Administration (SSA) tells us how much income you have.~~)

(2) We subtract one hundred thirty-four dollars from your gross income to get your countable income.

(3) We figure your shelter cost as follows:

(a) If SSA tells us you pay three hundred two dollars or more a month for shelter, we use three hundred twenty-one dollars as your shelter cost; or

(b) If SSA tells us you pay less than three hundred two dollars for shelter, we use one hundred fifty-five dollars as your shelter cost; and

(c) We add the current standard utility allowance under WAC 388-450-0195 to determine your total shelter cost.

(4) We figure your shelter deduction by subtracting one half of your countable income from your shelter cost.

(5) We figure your net income by subtracting your shelter deduction from your countable income.

(6) We figure your WASHCAP benefits (allotment) by:

(a) Multiplying your net income by thirty percent and rounding up to the next whole dollar; and

(b) Subtracting the result from the maximum allotment under WAC 388-478-0060.

(c) If you are eligible for WASHCAP, (~~your assistance unit~~) you will get at least ten dollars in food benefits each month.

AMENDATORY SECTION (Amending WSR 02-15-148, filed 7/22/02, effective 9/1/02)

**WAC 388-492-0080 Where do I report changes?** (1) You report all changes to Social Security Administration (SSA) according to their reporting requirements. Social

Security reports these changes to your ~~((department of social and health services (DSHS)))~~ WASHCAP worker.

~~((2))~~ (2) SSA will not accept or report shelter costs changes to WASHCAP until SSA does its redetermination.

~~((3))~~ (3) You do not have to report any changes to ~~((DSHS))~~ your WASHCAP worker.

~~((4))~~ (4) You can choose to report the following changes to your ~~((Washington combined application project))~~ WASHCAP worker to see if you will get more food assistance benefits.

- (a) A change in your address;
- (b) An increase in your shelter costs; or
- (c) An increase in your out-of-pocket medical expenses.

~~((4))~~ (5) If changes are reported to DSHS, proof ~~((will))~~ may be required.

(6) If you report a change that could increase the amount of your food benefits and:

- (a) We ask you for proof; and
- (b) You do not provide proof;
- (c) We will not increase your WASHCAP food benefit.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 02-15-148, filed 7/22/02, effective 9/1/02)

WAC 388-492-0090 How often ~~((does my Washington state combined application program (c)))~~ do my WASHCAP ~~((case))~~ benefits need to be reviewed? (1) Your eligibility for WASHCAP food benefits must be reviewed at least every twenty-four months.

(2) Your certification period is the amount of time your assistance unit is eligible for WASHCAP food benefits.

AMENDATORY SECTION (Amending WSR 02-15-148, filed 7/22/02, effective 9/1/02)

WAC 388-492-0100 How is my eligibility for ~~((Washington state combined application program (c)))~~ WASHCAP ~~((c))~~ reviewed? (1) If Social Security Administration (SSA) reviews your Supplemental Security Income (SSI) eligibility, they will also complete your review for WASHCAP ~~((benefits))~~. SSA sends us this information electronically and we will automatically extend your WASHCAP certification period.

(2) If SSA does not review your SSI eligibility, we will mail you a one-page application two months before your WASHCAP benefits end. You must complete and return this application to the WASHCAP unit or your local home and community services office (HCS).

(3) We do WASHCAP reviews by mail. If you bring your WASHCAP application to the local office, we will process the application as follows:

- (a) If you get long-term care services, your local HCS office will process your application; or
- (b) If you do not get long-term care services, the local office will forward your application to the WASHCAP central unit.

(4) If we get your completed one-page application after your WASHCAP benefits end, we will reopen your benefits back to the first of the month if:

- (a) We get your application form within thirty days from the end of your certification period; and
- (b) You are still eligible for WASHCAP.

(5) If we get your completed one-page application form more than thirty days after your benefits end, your WASHCAP benefits open the first of the next month after you turn in your application and SSA shows you are eligible for WASHCAP in their system.

(6) If your application is not complete, we will return it to you to complete.

~~((6))~~ (7) If you are no longer eligible for WASHCAP ~~((benefits))~~, we will decide if you are eligible for ~~((regular food assistance.))~~ Basic Food benefits and:

(a) Your local CSO or HCS office will process your Basic Food application;

(b) We may ask you to give us more information or verification if we cannot make a decision with the information we have.

~~((7))~~ If we get your completed one-page application form more than thirty days after your benefits end, your WASHCAP benefits open the first of the next month after you turn in your application and SSA shows you are eligible for WASHCAP in their system.)

(8) If you want ~~((regular))~~ Basic Food ~~((assistance))~~ benefits while you are waiting for WASHCAP food benefits, you must apply for these benefits at the local CSO or HCS office.

AMENDATORY SECTION (Amending WSR 02-15-148, filed 7/22/02, effective 9/1/02)

WAC 388-492-0110 What happens if my ~~((Washington state combined application program (c)))~~ WASHCAP ~~((c))~~ benefits end? (1) If your WASHCAP benefits end because you did not have the review required under WAC 388-492-0100, you must finish the required review or apply for Basic Food ~~((assistance.))~~ benefits at:

- (a) Your local community services office (CSO); or
- (b) Your home and community services (HCS) office.

(2) If your WASHCAP benefits end because you are disqualified for food assistance under WAC 388-400-0040 ~~((13))~~ (b) or (e), you are not eligible for ~~((regular))~~ Basic Food ~~((assistance.))~~ benefits and:

- (a) If you get medical assistance, we will send your medical assistance case to your local office ~~((:))~~;
- (b) If you are a HCS client, your medical case will remain at HCS.

(3) If your WASHCAP benefits end because SSA stopped your SSI benefits:

(a) We will send you an application for ~~((regular))~~ Basic Food ~~((assistance and))~~ benefits along with:

- (i) Information about what you must verify in order to get benefits; and
- ~~((tell you where to take your application to find out if you are eligible for benefits))~~
- (ii) The address of your local CSO. If you are an HCS client, your case will remain at your HCS office.

(b) You will still receive the same medical benefits until we decide what medical programs you are eligible for under WAC 388-418-0025.

(4) If your WASHCAP benefits end for any other reason:

(a) We will send you an application for ~~((regular))~~ Basic Food ~~((assistance))~~ benefits along with:

(i) The address of your local ~~((office))~~ CSO; and

(ii) Information about what you must verify in order to get benefits.

(b) If you get medical assistance, we will send your medical assistance case to the local office unless you are a HCS client;

(c) For the office to decide if you are eligible for Basic Food ~~((assistance))~~ benefits, you must:

(i) Finish the application process for Basic Food ~~((assistance))~~ benefits under chapter 388-406 WAC; and

(ii) Have an interview for Basic Food ~~((assistance))~~ benefits under WAC 388-452-0005.

AMENDATORY SECTION (Amending WSR 02-15-148, filed 7/22/02, effective 9/1/02)

**WAC 388-492-0120** ~~What happens to my ((Washington state combined application program-)) WASHCAP((+)) benefits if I am disqualified?~~ (1) If you are disqualified from receiving SSI for any reason, you will not be able to get WASHCAP food benefits. See WAC 388-492-0030, Who can get WASHCAP?

(2) If you are disqualified from receiving food assistance for any reason, you will not get WASHCAP food benefits. This includes clients who:

(a) Are ineligible for food assistance under WAC 388-400-0040~~((+))~~ (13)(b) and (e) and 388-442-0010; or

(b) Did not cooperate with quality assurance as required under WAC ~~((388-465-004))~~ 388-464-0001.

AMENDATORY SECTION (Amending WSR 02-15-148, filed 7/22/02, effective 9/1/02)

**WAC 388-492-0130** ~~What can I do if I disagree with a decision the department made about my ((Washington state combined application program-)) WASHCAP((+)) benefits?~~ (1) If you disagree with a decision about your benefits, you may ask for a fair hearing.

(2) You can ask for a hearing by contacting the WASHCAP central unit, home and community service office or any responsible department or office of administrative hearings employee.

(3) See chapter ~~((388-08))~~ 388-02 WAC for information on the fair hearing process.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-492-0010	Washington state combined application program (WASHCAP) definitions.
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**WSR 04-05-007**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 04-16—Filed February 6, 2004, 12:52 p.m.]

Date of Adoption: February 5, 2004.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-04000U and 220-52-04600F; and amending WAC 220-52-040 and 220-52-046.

Statutory Authority for Adoption: RCW 77.12.047.

Under 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 pot limits for the commercial crab fishery in the Puget Sound licensing district are required to maintain commercial harvest allocation plans. The reopening of Catch Areas 23D, 25A, and 25E is due to increased quota in that region. The closure of catch areas specified in this regulation is required by state/tribal management agreement. The closure of the Everett flats area of 26A and 24B is due to high percentages of soft crab. Commercial opportunity in the above zones reflects state/tribal agreements to maintain allocation objectives. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

February 5, 2004

J. P. Koenings  
Director

#### NEW SECTION

**WAC 220-52-04000V** **Commercial crab fishery—Exceptions to permanent rules for pot limits.** Notwithstanding the provisions of WAC 220-52-040:

1) Effective 7:00 a.m. February 9, 2004, until further notice, it is unlawful for any person to fish for crabs for commercial purposes with more than 50 pots per license, per buoy tag number in all waters of the Puget Sound Marine Fish Shellfish Catch Reporting Areas 23D, 25A, and 25E.

The remaining 50 buoy tags per license must be onboard the designated vessel and available for inspection.

2) Effective immediately until further notice, it is unlawful for any person to fish for crabs for commercial purposes with more than 50 pots per license, per buoy tag number in all waters of the Puget Sound Marine Fish Shellfish Catch Reporting Areas 20A, 20B, 21A, 21B, 22A, and 22B. The remaining 50 buoy tags per license must be onboard the designated vessel and available for inspection.

3) Effective immediately until further notice, it is unlawful for any person to fish for crabs for commercial purposes with more than 75 pots per license, per buoy tag number in all waters of the Puget Sound Marine Fish Shellfish Catch Reporting Areas 23A, 23B, 23C, 23D, 24A, 24B, 24C, 24D, 25A, 25B, 25D, 25E, 26AE, 26AW, and 29. The remaining 25 buoy tags per license must be onboard the designated vessel and available for inspection.

### NEW SECTION

**WAC 220-52-04600H Crab fishery—Seasons and areas.** Notwithstanding the provisions of WAC 220-52-046:

(1) Effective 7:00 a.m. February 9, 2004, until further notice, it is lawful to fish for Dungeness crab for commercial purposes in Catch Areas 23D, 25A, and 25E.

(2) Effective 7:00 p.m. February 15, 2004, until further notice, it is unlawful to fish for Dungeness crab for commercial purposes in Catch Areas 24A, 24B, 24C, 24D, and 26A-E.

(3) Effective 7:00 p.m. February 29, 2004, until further notice, it is unlawful to fish for Dungeness crab for commercial purposes in Catch Areas 25B, 25D and 26A-W.

(4) Effective immediately until further notice, it is unlawful to fish for or possess commercial crab taken from those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A east of a line from Howarth Park due north to the south end of Gedney Island and that portion of 24B east of a line from the north end of Gedney Island to Camano Head and south of a line drawn from Camano Head to Hermosa Point.

(5) Effective immediately until further notice, it will be lawful to fish for Dungeness Crab for commercial purposes in the following areas:

(a) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A within a line that extends due north from the green number 1 buoy at Scatchet Head to Scatchet Head, thence from the green number 1 buoy at Scatchet Head to the green number 1 buoy at Possession Point, thence due north from the green number 1 buoy at Possession Point to Possession Point.

(b) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A east and north of a line that extends from Possession Point to the green number 1 buoy at Possession Point thence following the 200 foot contour northward to a point due east from the Glendale Dock, thence extending due west to the Whidbey Island shore.

(c) That portion of Marine Fish-Shellfish Management and Catch Reporting Area 21B in Samish Bay south of a line from Fish Point and Point Williams in water deeper than 60 feet.

(d) That portion of Marine Fish-Shellfish Management and Catch Reporting Area 26A south of a line projected from the outermost tip of the ferry dock at Mukilteo projected to the green #3 buoy at the mouth of the Snohomish River and west of a line projected northward from the spiral staircase at Howarth Park to the southern most tip of Gedney Island.

(6) Effective immediately until further notice Marine Fish-Shellfish Management and Catch Reporting Area 26A shall be further defined by the following boundaries:

(a) Area 26A-W shall include those waters of Catch Area 26A south of 25B and northerly of a line from Apple Cove Point to Point Edwards and south and west of a line that extends from Possession Point to the Shipwreck located .8 nautical miles north of Picnic Point.

(b) Area 26A-E shall include those waters of Catch Area 26A south of Areas 24B and 24C and north and east of a line that extends from Possession Point to the Shipwreck located .8 nautical miles north of Picnic Point.

### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-52-04000U	Commercial crab fishery— Exceptions to permanent rules for pot limits. (03-288)
WAC 220-52-04600F	Crab fishery—Seasons and areas. (03-320)

### WSR 04-05-008 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 04-15—Filed February 6, 2004, 12:54 p.m., effective February 9, 2004, 12:01 a.m.]

Date of Adoption: February 5, 2004.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-52-07100D; and amending WAC 220-52-071.

Statutory Authority for Adoption: RCW 77.12.047.

Under 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 in sea cucumber districts listed. Prohibition of all diving within two days of scheduled sea cucumber openings discourages the practice of fishing on closed days and hiding the unlawful catch underwater until the legal opening. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal

Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: February 9, 2004, 12:01 a.m.

February 5, 2004

J. P. Koenings

Director

#### NEW SECTION

**WAC 220-52-07100E Sea cucumbers.** Notwithstanding the provisions of WAC 220-52-071, effective immediately until further notice, it is unlawful to take or possess sea cucumbers taken for commercial purposes except as provided for in this section:

(1) Sea cucumber harvest using shellfish diver gear is allowed in Sea Cucumber District 1 on Monday through Friday of each week. Sea cucumber harvest using shellfish diver gear is allowed in Sea Cucumber District 2 on Monday, Tuesday and Wednesday of each week. Sea cucumber harvest using shellfish diver gear is allowed in Sea Cucumber Districts 4 and 5 on Monday and Tuesday of each week.

(2) It is unlawful to dive for any purpose from a commercially licensed sea cucumber or sea urchin fishing vessel on Saturdays and Sundays of each week.

#### REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. February 9, 2004:

WAC 220-52-07100D Sea cucumbers. (04-03)

#### **WSR 04-05-014**

#### **EMERGENCY RULES**

#### **DEPARTMENT OF**

#### **FISH AND WILDLIFE**

[Order 04-17—Filed February 9, 2004, 8:07 a.m.]

Date of Adoption: February 6, 2004.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-04000V; and amending WAC 220-52-040.

Statutory Authority for Adoption: RCW 77.12.047.

Under 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 pot limits for the commercial crab fishery in the Puget Sound licensing district are to maintain commercial harvest allocation plans. The reopening of Catch Areas 23D, 25A, and 25E is due to increased quota in that region. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

February 6, 2004

Evan Jacoby

for Jeff Koenings

Director

#### NEW SECTION

**WAC 220-52-04000W Commercial crab fishery—Exceptions to permanent rules for pot limits.** Notwithstanding the provisions of WAC 220-52-040:

1) Effective 7:00 a.m. February 9, 2004, until further notice, it is unlawful for any person to fish for crabs for commercial purposes with more than 50 pots per license, per buoy tag number in all waters of the Puget Sound Marine Fish Shellfish Catch Reporting Areas 23D, 25A, and 25E. The remaining 50 buoy tags per license must be onboard the designated vessel and available for inspection.

2) Effective immediately until further notice, it is unlawful for any person to fish for crabs for commercial purposes with more than 50 pots per license, per buoy tag number in all waters of the Puget Sound Marine Fish Shellfish Catch Reporting Areas 20A, 20B, 21A, 21B, 22A, and 22B. The remaining 50 buoy tags per license must be onboard the designated vessel and available for inspection.

3) Effective immediately until further notice, it is unlawful for any person to fish for crabs for commercial purposes with more than 75 pots per license, per buoy tag number in all waters of the Puget Sound Marine Fish Shellfish Catch Reporting Areas 23A, 23B, 23C, 24A, 24B, 24C, 24D, 25B, 25D, 26AE, 26AW, and 29. The remaining 25 buoy tags per license must be onboard the designated vessel and available for inspection.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 220-52-04000V Commercial crab fishery—  
Exceptions to permanent  
rules for pot limits. (04-16)

**WSR 04-05-015****EMERGENCY RULES****DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 04-14—Filed February 9, 2004, 8:10 a.m., effective February 16, 2004, 12:01 a.m.]

Date of Adoption: February 6, 2004.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900J; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under 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 preseason forecast for the Green River wild steelhead run is not large enough to allow any targeted fisheries. The wild fish escapement goal has not been reached the last several years. Regulations have required the release of wild steelhead since December 1, 2003. In addition, the return of hatchery steelhead this season has been poor and few hatchery fish remain in the river. Therefore, closing the river February 16 will not significantly effect harvest opportunities for hatchery fish and will provide additional protection for the predicted low wild run. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: February 16, 2004, 12:01 a.m.  
February 6, 2004  
Evan Jacoby  
for Jeff Koenings  
Director

**NEW SECTION**

**WAC 232-28-61900J Exceptions to statewide rules—Green (Duwamish) River (King County).** Notwithstanding the provisions of WAC 232-28-619, the Green (Duwamish) River will be closed to all fishing:

- Effective February 16, 2004 through February 29, 2004 from the mouth to the S. 277th bridge in Auburn.
- Effective February 16, 2004 through March 15, 2004 from the S. 277th bridge to the Tacoma Headworks Dam.

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. March 16, 2004:

WAC 232-28-61900J Exceptions to statewide  
rules—Green (Duwamish)  
River (King County).

**WSR 04-05-032****EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 04-18—Filed February 11, 2004, 3:43 p.m., effective February 14, 2004, 12:01 a.m.]

Date of Adoption: February 10, 2004.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900H.

Statutory Authority for Adoption: RCW 77.12.047.

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

Reasons for this Finding: This emergency reopens the lower Cascade River for gamefish. The Marblemount Hatchery has trapped adequate numbers of hatchery winter-run steelhead to meet egg take requirements.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: February 14, 2004, 12:01 a.m.

February 10, 2004

J. P. Koenings

Director

by Larry Peck

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: February 16, 2004, 12:01 a.m.

February 11, 2004

J. P. Koenings

Director

by Larry Peck

### REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. February 14, 2004:

WAC 232-28-61900H Exceptions to statewide rules—Cascade River. (04-10)

### NEW SECTION

**WAC 232-28-61900K Exceptions to statewide rules—Columbia River** Notwithstanding the provisions of WAC 232-28-619:

(1) Effective 12:01 a.m. April 1, 2004 through May 15, 2004, it is lawful to fish for and possess adipose fin-clipped spring chinook, adipose fin-clipped steelhead, and shad in those waters of the Columbia River from the Buoy 10 line upstream to the I-5 Bridge.

Daily limit:

a) Six chinook, no more than two of which may be adults, and all of which must be adipose fin-clipped. Minimum size 12 inches in length.

b) Two trout minimum size 12 inches in length. Release wild steelhead and wild cutthroat.

(2) Effective March 16, 2004 through May 15, 2004, it is lawful to fish for and possess adipose fin-clipped spring chinook, adipose fin-clipped steelhead, and shad in those waters of the Columbia River from:

a) Those waters of the Columbia River from the I-5 Bridge upstream to 600 feet below the fish ladder at Bonneville Dam.

b) The Bonneville Reservoir upstream from the Tower Island power lines. Waters upstream from the Interstate Bridge (Highway 197) to The Dalles Dam are closed except that bank fishing is permitted up to the downstream navigation lock wall on the Washington shore.

c) The Dalles Reservoir.

d) John Day Reservoir.

Daily limit:

1) Six chinook, no more than two of which may be adults, and all of which must be adipose fin-clipped. Minimum size 12 inches in length.

2) Two trout minimum size 12 inches in length. Release wild steelhead. Release wild cutthroat from the I-5 Bridge upstream to Bonneville Dam.

(3) Effective February 16, 2004 through May 15, 2004, in those waters of the Columbia River from the Rocky Point/Tongue Point line upstream, that are open under the above seasons, it is unlawful to totally remove salmon or steelhead from the water if it is unlawful to retain those salmon and steelhead.

**WSR 04-05-033  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 04-19—Filed February 11, 2004, 3:46 p.m., effective February 16, 2004, 12:01 a.m.]

Date of Adoption: February 11, 2004.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900K; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under 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 management agreement for spring chinook was signed in 2001 that will allow for selective fishing for marked spring chinook in the Columbia River, while minimizing impacts to protected wild fish. The seasons shown above represent the spring chinook fishery that was discussed with the Columbia River Recreational Fishery Advisory Group and adopted during a joint state hearing on February 5, 2004. Fisheries will be managed to remain within the sport allocation. Fisheries are consistent with the biological opinion concerning impacts to ESA-listed stocks. There is insufficient time to promulgate permanent regulations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.



**REPEALER**

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. May 16, 2004:

WAC 232-28-61900K Exceptions to statewide rules—Columbia River.

**WSR 04-05-035**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Children's Administration)

[Filed February 11, 2004, 3:58 p.m.]

Date of Adoption: February 3, 2004.

Purpose: The purpose of this emergency filing to amend sections of chapter 388-148 WAC, Licensing requirements for child foster homes, group care programs/facilities, and agencies, which impact the receipt of federal funding for eligible children in care with Children's Administration. See below for new and amended rules affected. This notice and the full text of these emergency rules are available from the DSHS rule-making website at <http://www1.dshs.wa.gov/msa/rpau/docket.html>, or by contacting Jean Croisant, DSHS Children's Administration, phone (360) 902-7992, or by e-mail at [loje300@dshs.wa.gov](mailto:loje300@dshs.wa.gov).

Citation of Existing Rules Affected by this Order: Amending WAC 388-148-0035 What personal characteristics do I need to provide care to children?, 388-148-0040 What first aid and cardiopulmonary resuscitation (CPA) training is required?, 388-148-0045 What HIV/AIDS training is required?, 388-148-0050 How do I apply for a license?, 388-148-0060 When am I not allowed to receive a license from a child-placing agency?, 388-148-0065 When may I be certified to provide care to children?, 388-148-0095 When are licenses denied, suspended or revoked?, 388-148-0120 What incidents involving children must I report?, 388-148-0125 What are your requirements for keeping client records?, 388-148-0140 What personnel policies must I have?, 388-148-0170 What steps must I take to ensure children's safety around bodies of water?, 388-148-0220 What fire safety requirements must I follow to qualify for a license?, 388-148-0260 What are the general requirements for bedrooms?, 388-148-0270 What are the requirements for beds?, 388-148-0335 When must I get medical exams for the children under my care?, 388-148-0345 What must I do to prevent the spread of infections and communicable diseases?, 388-148-0350 How do I manage medications for children under my care?, 388-148-0395 What requirements must I meet for feeding babies?, 388-148-0460 What require do you have for supervising children?, 388-148-0520 What are the training requirements for foster parents and prospective foster parents?, 388-148-0560 Do I need a treatment plan for children under my care?, 388-148-0585 What social service staff do I need?, 388-148-0630 What fire prevention measures must I take?, 388-148-0700 What are the qualifications for an executive director for a group care program or child-placing agency?, 388-148-0720 What qualifications must the child

care staff for a group care program and a child-placing agency have?, 388-148-0725 What is the ratio of child care staff to children in group care facilities?, 388-148-0785 What is the proper ratio of staff to children in home or group care facilities offering maternity services?, 388-148-0880 What levels of secure CRCs exist?, 388-148-0915 What steps must be taken after a youth is admitted into a CRC?, 388-148-0995 What are the ratio requirements of youth care staff to youth in crisis residential centers?, 388-148-1060 What services may a child-placing agency provide?, 388-148-1070 What health histories need to be provided to adoptive parents?, 388-148-1115 Do you have requirements for adoptive services?, and 388-148-1120 What is the process for adoptions?; and new sections WAC 388-148-0058 May I have a license for both child day care and child foster care?, 388-148-0427 Are there specific requirements regarding Native American children?, 388-148-0462 Who may provide care to a foster child in the foster home when the foster parent is away from the home?, 388-148-0542 May a foster child be supervised by someone under eighteen in the foster home?, 388-148-0722 What are the qualifications for health care staff for a group care program or a child-placing agency?, 388-148-0892 What are the requirements for a level three secure CRC?, 388-148-1076 What are the qualifications for an executive director of a child-placing agency?, 388-148-1077 What are the qualifications for a case aide for a child-placing agency program?, 388-148-1078 What are the qualifications for health care staff hired or contracted by a child-placing agency to provide services to children in care?, and 388-148-1079 What are the qualifications for consultants for child-placing agency programs?

Statutory Authority for Adoption: Chapter 74.15 RCW.

Other Authority: 45 C.F.R. 1355.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Children's Administration has found that some of the sections of chapter 388-148 WAC require waivers in order for provider compliance. The approval of waivers then jeopardizes federal funds received by Children's Administration to support services to children and their families.

These rules replace emergency rules adopted as WSR 03-21-074 on October 15, 2003. Stakeholders have reviewed the proposed rules changes and Children's Administration filed the proposed rule making (WSR 04-03-116) on January 21, 2004, for the permanent adoption of rule changes. A public hearing is scheduled for March 23, 2004, for comments on changes for permanent adoption to the licensing requirements for foster homes, group facilities, staffed residential homes, and child-placing agencies.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 10, Amended 34, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 10, Amended 34, Repealed 0.

Effective Date of Rule: Immediately.

February 3, 2004

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 04-06 issue of the Register.

### WSR 04-05-043

#### EMERGENCY RULES

#### DEPARTMENT OF HEALTH

(Nursing Care Quality Assurance Commission)

[Filed February 12, 2004, 2:14 p.m.]

Date of Adoption: February 17 [January 29], 2004.

Purpose: Adopt emergency rules to implement chapter 258, Laws of 2003, requiring registration of nursing technicians. WAC 246-840-010 Definitions, 246-840-840 Nursing technicians, 246-840-850 Use of nomenclature, 246-840-860 Nursing technician criteria, 246-840-870 Functions of the nursing technician, 246-840-880 Functions of the registered nurse supervising the nursing technician, and 246-840-890 Responsibilities of the employing facility; and rescinding 246-840-900 Responsibilities of the nurse administrator. Previous emergency rules are about to expire. Extensive stakeholder involvement and research for legal issues has delayed permanent adoption. Implementation is anticipated within one hundred twenty days.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-840-900; and amending WAC 246-840-010, 246-840-840, 246-840-850, 246-840-860, 246-840-870, and 246-840-890.

Statutory Authority for Adoption: Chapter 18.79 RCW and session law chapter 258, Laws of 2003.

Under 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: Session law chapter 258, Laws of 2003 requires registration of nursing technicians by emergency order.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 7, Repealed 1.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

January 29, 2004

Frank Maziariski, RN, ARNP  
Nursing Commission Chair

**AMENDATORY SECTION** (Amending WSR 98-05-060, filed 2/13/98, effective 3/16/98)

**WAC 246-840-010 Definitions.** (1) "Auxiliary services" are all nursing services provided to patients by persons other than the licensed practical nurse, the registered nurse and the nursing student.

(2) "Beginning practitioner" means a newly licensed nurse beginning to function in the nurse role.

(3) "Behavioral objectives" means the measurable outcomes of specific content.

(4) "Client" means the person who receives the services of the practical nurse or registered nurse.

(5) "Client advocate" means a supporter of client rights and choices.

(6) "Commission" means the Washington state nursing care quality assurance commission.

(7) "Competencies" means the tasks necessary to perform the standards.

(8) "Conceptual framework" means the theoretical base around which the curriculum is developed.

(9) "Conditional approval" of a school of nursing is the approval given a school of nursing that has failed to meet the requirements of the law and the rules and regulations of the commission, and it specifies conditions that must be met within a designated time to rectify the failure.

(10) "Delegation" means the licensed practical nurse or registered nurse transfers the performance of selected nursing tasks to competent individuals in selected situations. The licensed practical nurse or registered nurse delegating the task retains the responsibility and accountability for the nursing care of the client. The licensed practical nurse or registered nurse delegating the task supervises the performance of the unlicensed person;

(a) Nursing acts delegated by the licensed practical nurse or registered nurse shall:

(i) Be within the area of responsibility of the licensed practical nurse or registered nurse delegating the act;

(ii) Be such that, in the opinion of the licensed practical nurse or registered nurse, it can be properly and safely performed by the person without jeopardizing the patient welfare;

(iii) Be acts that a reasonable and prudent licensed practical nurse or registered nurse would find are within the scope of sound nursing judgment.

(b) Nursing acts delegated by the licensed practical nurse or registered nurse shall not require the unlicensed person to exercise nursing judgment nor perform acts which must only be performed by a licensed practical nurse or registered nurse, except in an emergency situation (RCW 18.79.240 (1)(b) and (2)(b)).

(c) When delegating a nursing act to an unlicensed person it is the registered nurse who shall:

(i) Make an assessment of the patient's nursing care need before delegating the task;

(ii) Instruct the unlicensed person in the delegated task or verify competency to perform or be assured that the person is competent to perform the nursing task as a result of the systems in place by the health care agency;

(iii) Recognize that some nursing interventions require nursing knowledge, judgment, and skill and therefore may not lawfully be delegated to unlicensed persons.

(11) Direction and Supervision:

(a) "Supervision" of licensed or unlicensed nursing personnel means the provision of guidance and evaluation for the accomplishment of a nursing task or activity with the initial direction of the task or activity; periodic inspection of the actual act of accomplishing the task or activity; and the authority to require corrective action.

(b) "Consulting capacity" shall mean the recommendations to a professional entity, employed at that facility, which may be accepted, rejected, or modified. These recommendations shall not be held out as providing nursing services by the consulting nurse to the patient or public.

(c) "Direct supervision" shall mean the licensed registered nurse is on the premises, is quickly and easily available and the patient has been assessed by the licensed registered nurse prior to the delegation of the duties to any caregiver.

(d) "Immediate supervision" shall mean the registered nurse is on the premises and is within audible and visual range of the patient and the patient has been assessed by the registered nurse prior to the delegation of duties to any caregiver.

(e) "Indirect supervision" shall mean the registered nurse is not on the premises but has given either written or oral instructions for the care and treatment of the patient and the patient has been assessed by the registered nurse prior to the delegation of duties to any caregiver.

(12) "Extended learning sites" refers to any area external to the parent organization selected by faculty for student learning experiences.

(13) "Faculty" means persons who are responsible for the educational program of the school of nursing and who hold faculty appointment in the school.

(14) "Full approval" of a school of nursing is the approval given a school of nursing that meets the requirements of the law and the rules and regulations of the commission.

(15) "Good cause" as used in WAC 246-840-990 for extension of a nurse technician registration means that the nurse technician has had difficulty scheduling the examination, that the examination results did not arrive at the commission office within thirty days after the nurse technician's date of graduation or that the nurse technician can show that

there was a family crisis which caused him or her to delay sitting for the examination.

((16)) (16) "Minor nursing services." The techniques and procedures used by the nursing profession are extremely difficult to categorize as major or minor nursing services. The important factor with which this law is concerned is the determination of which nursing person and at what level of preparation that person may perform said technique or procedure in relation to the condition of a given patient, and this kind of determination rests with the registered nurse.

((16)) (17) "Minimum standards of competency" means the functions that are expected of the beginning level nurse.

((17)) (18) "Nurse administrator" is an individual who meets the qualifications contained in WAC 246-840-555 and who has been designated as the person primarily responsible for the direction of the program in nursing. Titles for this position may include, among others, dean, director, coordinator or chairperson.

((18)) ~~The phrase "nursing aide" used in RCW 18.79.240 (1)(e) shall mean a "nursing technician." "Nursing technician" is a nursing student currently enrolled in a commission or state board of nursing approved nursing education program and employed for the purpose of giving help, assistance and support in the performance of those services which constitute the practice of registered nursing. The nursing student shall use the title "nursing technician" while employed.)~~

(19) ("Nursing student" is a person currently enrolled in an approved school of nursing.) "Nursing technician" means a nursing student currently enrolled in good standing and who has completed at least one academic term (quarter or semester) of a nursing program approved by the commission (ADN, diploma or BSN). The term must have included a clinical component. The nursing technician is employed directly by a hospital licensed under chapter 70.41 RCW or a nursing home licensed under chapter 18.51 RCW. A nursing technician may also be a graduate of an approved program who graduated within the past thirty days. Approved nursing program means any registered nurse program approved by the nursing commission.

(20) "Philosophy" means the beliefs and principles upon which the curriculum is based.

(21) "Program" means a division or department within a state supported educational institution, or other institution of higher learning charged with the responsibility of preparing persons to qualify for the licensing examination.

(22) "Provisional approval" of schools of nursing is the approval given a new school of nursing based on its proposed program prior to the admission of its first class.

(23) "Registered nurse" as used in these rules shall mean a nurse as defined by RCW 18.79.030(1).

(24) "School" means an educational unit charged with the responsibility of preparing persons to practice as practical nurses or registered nurses. Three types of basic schools of nursing are distinguished by the certificate awarded to the graduate. Schools of nursing within colleges and universities award the associate degree or baccalaureate degree. Schools of nursing sponsored by a hospital award a diploma.

(25) "Standards" means the overall behavior which is the desired outcome.

(26) "Terminal objectives" means the statements of goals which reflect the philosophy and are the measurable outcomes of the total curriculum.

(27) An "unapproved school of nursing" is a school of nursing that has been removed from the list of approved schools for failure to meet the requirements of the law and the rules and regulations of the commission or a school that has never been approved by the commission.

AMENDATORY SECTION (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

**WAC 246-840-840 Nursing technician.** The purpose of the role of nursing technician is to provide opportunity for students enrolled in an ADN or BSN program to ~~((gain))~~ work ~~((experience))~~ within the limits of their education ~~((, but not limited to the scope of functions of nursing assistant certified))~~ and to gain valuable judgment and knowledge through work opportunities.

(1) The nursing technician is as defined in WAC 246-840-010(19).

(2) The nursing technician shall have knowledge and understanding of the laws and rules regulating the nursing technician and shall function within the legal scope of nursing practice.

(3) The nursing technician shall be responsible and accountable for practicing within the scope and guidelines of policies defined by the employing agency.

(4) The nursing technician shall not be employed by a temporary agency.

AMENDATORY SECTION (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

**WAC 246-840-850 Use of nomenclature.** (1) Any person who meets the ~~((qualifications))~~ definition of nursing technician under WAC 246-840-010(19) ~~((and 246-840-860))~~ shall use the title nursing technician and this title shall not be abbreviated.

(2) No other person shall assume such title.

AMENDATORY SECTION (Amending WSR 97-17-049, filed 8/15/97, effective 9/15/97)

**WAC 246-840-860 Nursing technician criteria.** To be eligible for employment as a nursing technician a student must meet the following criteria:

(1) Satisfactory completion of at least one academic term (quarter or semester) of a nursing program approved by ~~((a))~~ the commission ~~((or board of nursing))~~ (ADN, diploma, or BSN). The term must have included a clinical component.

(2) Currently enrolled in a nursing commission approved program will be considered to include:

(a) All periods of regularly planned educational programs and all school scheduled vacations and holidays.

~~((b))~~ ~~((The period of time of notification to the commission of completion of nursing education, following graduation and application for examination, not to exceed ninety days from the date of graduation.~~

~~((e)))~~ Thirty days after graduation from an approved program.

(3) Current enrollment will not be construed to include:  
~~((i))~~ (a) Leaves of absence or withdrawal, temporary or permanent, from the nursing educational program.

~~((ii))~~ (b) Students enrolled in nursing department classes who are solely enrolled in academic nonnursing supporting course work, whether or not those courses are required for the nursing degree.

~~((iii))~~ (c) Students who are awaiting the opportunity to reenroll in nursing courses.

(4) Good standing means the nursing technician is successfully passing all courses required for the registered nursing degree. The nursing program should notify the commission immediately if the nursing technician is no longer in good standing.

(5) Applicants must complete seven clock hours of AIDS education as required by RCW 70.24.270 and chapter 246-12 WAC, Part 8.

AMENDATORY SECTION (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

**WAC 246-840-870 Functions of the nursing technician.** The nursing technician:

(1) Shall function only under the direct supervision of ~~((the))~~ a registered nurse who has agreed to act as supervisor and is immediately available.

(2) May gather information about patients and administer care to patients.

(3) Shall not be responsible for performing the ongoing assessment, planning, implementation, and evaluation of the care of patients.

(4) Shall never function as an independent practitioner, as a team leader, charge nurse, or in a supervisory capacity.

~~((5))~~ ~~((May administer medications only under the direct supervision of a registered nurse and within the limits described in this section. "Direct supervision" means that the registered nurse is on the premises, is quickly and easily available, and that the patients have been assessed by the registered nurse prior to the delegation of the medication duties to the nursing technician.))~~ The nursing technician shall not administer chemotherapy, blood or blood products, intravenous medications, scheduled drugs, nor carry out procedures on central lines.

~~((There shall be written documentation from the nursing education program attesting to the nursing technician's preparation in the procedures of medication administration.))~~

AMENDATORY SECTION (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

**WAC 246-840-880 Functions of the registered nurse supervising the nursing technician.** The registered nurse:

(1) Is accountable at all times for the client's safety and well-being.

(2) Is responsible at all times for the nursing process as delineated in WAC 246-840-700 and this responsibility cannot be delegated.

(3) Shall maintain at all times an awareness of the care activities of the nursing technician and of the current assessment of the patient.

~~((4) Shall be available at all times to the nursing technician and shall be physically present within the health care facility:))~~

AMENDATORY SECTION (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

WAC 246-840-890 (~~Responsibilities of the employing facility:)~~ How to register as a nursing technician. (~~The employer of the nursing technician shall:~~

~~(1) Verify the nursing technician's enrollment in a nursing education program approved by the state board of nursing or commission in the state in which the program is located.~~

~~(2) Verify satisfactory completion of each academic term (semester or quarter) within two weeks of completion date.~~

~~(3) Obtain written documentation from the approved nursing education program of the nursing technician's current level of education preparation and his/her knowledge and skills.~~

~~(4) Assign the nursing technician to perform only to the level identified in subsection (3) of this section.~~

~~(5) Provide the nursing technician from an educational program approved by a state board of nursing or commission other than the Washington nursing commission with board authorized information on the legal definition and parameters of the nursing technician role, as in WAC 246-840-010(19) and 246-840-840 through 246-840-870. Such information shall be provided prior to the commencement of patient care activities by the nursing technician. The facility shall obtain written verification from the nursing technician of receipt and review of this information and the facility shall retain the written verification for a minimum of three years from the last date of employment.~~

~~(6) Advise the commission of the names and addresses of the nursing technician and the name and address of the nursing education program for any and all nursing technicians employed at the facility.~~

~~(7) Identify the student nurse as a "nursing technician.")~~  
(1) An individual shall complete an application for registration on an application form prepared and provided by the department of health.

(2) Every applicant shall provide:

(a) The application fee as defined in WAC 246-980-990.

(b) Verification of seven clock hours of AIDS education as required by RCW 70.24.270 and chapter 246-12 WAC, Part 8.

(c) A signed statement sent directly from the applicant's nursing program. If the applicant has not yet graduated, this statement will include the anticipated graduation date.

(d) A signed statement sent directly from the applicant's employer or prospective employer certifying that the employer understands the role of the nursing technician and agrees to meet the requirements of chapter 258, Laws of 2003.

## REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-840-900

Responsibilities of the nurse administrator.

## WSR 04-05-045

### EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 04-24—Filed February 12, 2004, 2:44 p.m.]

Date of Adoption: February 12, 2004.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-07100E; and amending WAC 220-52-071.

Statutory Authority for Adoption: RCW 77.12.047.

Under 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: Commercial sea cucumber harvest in the Hood Canal (Sea Cucumber District 4) has been suspended indefinitely due to a persistent water quality issue which has a potential negative impact for resident sea cucumber stocks. Harvestable amounts of sea cucumbers are available in the remaining sea cucumber districts listed. Prohibition of all diving within two days of scheduled sea cucumber openings discourages the practice of fishing on closed days and hiding the unlawful catch underwater until the legal opening. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

February 12, 2004

J. P. Koenings

Director

**NEW SECTION**

**WAC 220-52-07100F Sea cucumbers.** Notwithstanding the provisions of WAC 220-52-071, effective immediately until further notice, it is unlawful to take or possess sea cucumbers taken for commercial purposes except as provided for in this section:

(1) Sea cucumber harvest using shellfish diver gear is allowed in Sea Cucumber District 1 on Monday through Friday of each week. Sea cucumber harvest using shellfish diver gear is allowed in Sea Cucumber District 2 and Sea Cucumber District 5 on Monday, Tuesday and Wednesday of each week.

(2) It is unlawful to dive for any purpose from a commercially licensed sea cucumber or sea urchin fishing vessel on Saturdays and Sundays of each week.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 220-52-07100E Sea cucumbers. (04-15)

**WSR 04-05-048  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 04-23—Filed February 13, 2004, 8:03 a.m., effective March 1, 2004, 12:01 a.m.]

Date of Adoption: February 12, 2004.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900L; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under 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 2003/2004 wild winter steelhead runs for the Skagit, Snohomish, Stillaguamish, and Puyallup River systems are forecasted to be below or right at escapement needs. Predicted wild steelhead run sizes for the river systems are anticipated to be between approximately 35 and 100% of wild steelhead escapement requirements. On all systems there is no harvestable surplus. Closures will eliminate potential hooking mortality and disturbance of spawning fish. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: March 1, 2004, 12:01 a.m.

February 12, 2004

J. P. Koenings

Director

**NEW SECTION**

**WAC 232-28-61900L Exceptions to statewide rules—Skykomish River (mainstem), North Fork Stillaguamish River, Puyallup River, Carbon River, Skagit River and Fisher Slough.** Notwithstanding the provisions of WAC 232-28-619, effective March 1, 2004:

Skykomish River (Mainstem)	From mouth to the mouth of the Sultan River: Closed to fishing March 1, 2004 through April 30, 2004.
Stillaguamish River (North Fork)	From mouth to Swede Heaven Bridge: Closed to fishing March 1, 2004 through May 31, 2004.
Puyallup River	From 11th Street Bridge upstream to Soldier's Home Bridge in Orting: Closed to fishing March 1, 2004 through March 31, 2004.
Carbon River	From mouth to Highway 162 Bridge: Closed to fishing March 1, 2004 through March 31, 2004.
Skagit River	From mouth to Memorial Highway Bridge, Hwy. 536 at Mt. Vernon: Closed to fishing March 1, 2004 through March 31, 2004: Open April 1, 2004 through May 31, 2004, selective gear rules except lawful to fish from motorized vessels, but will remain closed to fishing for steelhead. From Memorial Highway Bridge, Hwy. 536 at Mt. Vernon to Dalles Bridge at Concrete: Closed to fishing March 1, 2004 through May 31, 2004.
Fisher Slough	From mouth to Highway 530 Bridge: Closed to fishing March 1, 2004 through May 31, 2004.

EMERGENCY

**REPEALER**

The following section of the Washington Administrative Code is repealed effective June 1, 2004:

WAC 232-28-61900L Exceptions to statewide rules—Skykomish River (mainstem), North Fork Stillaguamish River, Puyallup River, Carbon River, Skagit River and Fisher Slough.

**WSR 04-05-056  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 04-25—Filed February 13, 2004, 3:59 p.m., effective February 17, 2004, 12:01 a.m.]

Date of Adoption: February 13, 2004.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-48-029, 220-48-032, 220-48-062, 220-49-020, and 220-49-056.

Statutory Authority for Adoption: RCW 77.12.047.

Under 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: Levels of dissolved oxygen in Hood Canal are at very low levels and are sufficiently low to cause mortality and sublethal stress to fish and shellfish. This closure is needed to protect fish and shellfish from additional mortality due to fishing. Salmon and trout are not included in these closures as these species are able to avoid the areas of low dissolved oxygen. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 5, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: February 17, 2004, 12:01 a.m.

February 13, 2004

J. P. Koenings  
Director

**NEW SECTION**

**WAC 220-48-02900D Set net—Dogfish—Seasons.** Notwithstanding the provisions of WAC 220-48-029, effective 12:01 a.m. February 17, 2004, until further notice, it is unlawful to fish for or possess for commercial purposes bottomfish taken with dogfish set net gear in Marine Fish-Shellfish Management Areas 27A, 27B and 27C.

**NEW SECTION**

**WAC 220-48-03200C Set line—Dogfish—Seasons.** Notwithstanding the provisions of WAC 220-48-032, effective 12:01 a.m. February 17, 2004, until further notice, it is unlawful to fish for or possess for commercial purposes bottomfish taken with set line gear in Marine Fish-Shellfish Management Areas 27A, 27B, and 27C.

**NEW SECTION**

**WAC 220-48-06200C Drag seines—Seasons.** Notwithstanding the provisions of WAC 220-48-062, effective 12:01 a.m. February 17, 2004, until further notice, it is unlawful to fish for or possess for commercial purposes bottomfish taken with drag seine gear in Marine Fish-Shellfish Management Areas 27A, 27B, and 27C.

**NEW SECTION**

**WAC 220-49-02000P Herring and anchovy—Seasons—Lawful gear—Purposes.** Notwithstanding the provisions of WAC 220-49-020, effective 12:01 a.m. February 17, 2004, until further notice, it is unlawful to fish for or possess for commercial purposes herring or anchovy in Marine Fish-Shellfish Management Areas 27A, 27B and 27C.

**NEW SECTION**

**WAC 220-49-05600C Smelt fishing—Seasons.** Notwithstanding the provisions of WAC 220-49-056, effective 12:01 a.m. February 17, 2004, until further notice, it is unlawful to fish for or possess for commercial purposes smelt in Marine Fish-Shellfish Management Areas 27A, 27B and 27C.

**WSR 04-05-057  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 04-26—Filed February 13, 2004, 4:00 p.m., effective February 17, 2004, 12:01 a.m.]

Date of Adoption: February 13, 2004.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-56-235, 220-56-267, 220-56-270, 220-56-390, and 220-56-410.

Statutory Authority for Adoption: RCW 77.12.047.

Under 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: Levels of dissolved oxygen in Hood Canal are at very low levels and are sufficiently low to cause mortality and sublethal stress to fish and shellfish. This closure is needed to protect fish and shellfish from additional mortality due to fishing. Salmon and trout are not included in these closures as these species are able to avoid the areas of low dissolved oxygen. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 5, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: February 17, 2004, 12:01 a.m.

February 13, 2004

J. P. Koenings  
Director

NEW SECTION

**WAC 220-56-23500S Bottomfish.** Notwithstanding the provisions of WAC 220-56-235, effective 12:01 a.m. February 17, 2004, until further notice, it is unlawful to fish for or possess bottomfish taken for personal use in those waters of Catch Record Card Area 12.

NEW SECTION

**WAC 220-56-26700B Herring—Areas and seasons.** Notwithstanding the provisions of WAC 220-56-267, effective 12:01 a.m. February 17, 2004, until further notice, it is unlawful to fish for or possess herring taken for personal use in those waters of Catch Record Area 12.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

**WAC 220-56-27000S Smelt—Areas and seasons.** Notwithstanding the provisions of WAC 220-56-270, effective 12:01 a.m. February 17, 2004, until further notice, it is unlawful to fish for or possess smelt taken for personal use in those waters of Catch Record Area 12.

NEW SECTION

**WAC 220-56-39000B Squid and octopus.** Notwithstanding the provisions of WAC 220-56-390, effective 12:01 a.m. February 17, 2004, until further notice, it is unlawful to fish for or possess squid and octopus taken for personal use in those waters of Catch Record Area 12.

NEW SECTION

**WAC 220-56-41000A Sea cucumbers.** Notwithstanding the provisions of WAC 220-56-410, effective 12:01 a.m. February 17, 2004, until further notice, it is unlawful to fish for or possess sea cucumbers taken for personal use in those waters of Catch Record Area 12.

**WSR 04-05-079**

**EMERGENCY RULES**

**DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed February 17, 2004, 4:23 p.m.]

Date of Adoption: February 10, 2004.

Purpose: Copayment levels of \$25 or more a month for families of the subsidized child care program, working connections child care (WCCC) will increase by \$25. The WCCC program will also cease authorization of unfunded portions of the program. These changes are due to budget shortfalls and are at the request of the governor. The sections of chapter 388-290 WAC that are being revised are WAC 388-290-0075, 388-290-0085, and 388-290-0190. WAC 388-290-0210 is being repealed.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-290-0210; and amending WAC 388-290-0075, 388-290-0085, and 388-290-0190.

Statutory Authority for Adoption: RCW 74.04.050, 74.13.085, and 74.12.340

Other Authority: ESSB 5404 (chapter 25, Laws of 2003 1st sp.s.).

Under 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 governor directed the department to increase copayment levels (effective March 1, 2003) for families of the subsidized child care program and cease authorization of unfunded portions of the program due to budget shortfalls. Without this emergency rule, the department funds would be expended before the end of the biennium, leaving many children and families without subsidized day care services. The department has filed notice of intent in WSR 02-20-055 to adopt the rules as permanent. The CR-102 proposed rule-making notice for permanent adoption was filed in January 2004 (WSR 04-02-047), and public hearing is scheduled for March 9, 2004.

EMERGENCY



Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 3, Repealed 1.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 1.

Effective Date of Rule: Immediately.

February 10, 2004

Brian H. Lindgren, Manager

Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 02-14-067, filed 6/27/02, effective 8/1/02)

**WAC 388-290-0075 What are the steps the WCCC program takes to determine my family's WCCC eligibility and copayment amount?** The WCCC program takes the following steps to determine your WCCC income eligibility and copayment:

(1) Determine your family size (under WAC 388-290-0015); and

(2) Determine your countable income (under WAC 388-290-0065).

(3) If your family's countable monthly income falls within the range below, then your copayment is:

YOUR INCOME	YOUR COPAYMENT is:
At or below 82% of the FPL	\$15
Above 82% of the FPL up to 137.5% of the FPL	\$((25)) <u>50</u>
Above 137.5% of the FPL - 200% of the FPL	The dollar amount equal to subtracting 137.5% of FPL from countable income, multiplying by 44%, then adding \$((25)) <u>50</u>
Income above 200% of the FPL, you are not eligible for WCCC benefits.	

**AMENDATORY SECTION** (Amending WSR 02-14-067, filed 6/27/02, effective 8/1/02)

**WAC 388-290-0085 When might my WCCC copayment change?** (1) Once we have determined that you are eligible for WCCC benefits, your copayment could change when:

(a) Your activity changes under WAC 388-290-0040, 388-290-0045, or 388-290-0050;

(b) Your monthly income decreases;

(c) Your family size increases;

(d) You are no longer eligible for the three-month TANF grant exemption under WAC 388-290-0070(h) or the minimum copayment under WAC 388-290-0090;

(e) There is a mass change in benefits due to a change in law or program funding.

(2) If your copayment changes during your eligibility period, the change is effective the first of the month following the change.

(3) We do not increase your copayment during your current eligibility period when your countable income remains at or below two hundred percent of the FPL, and:

(a) Your monthly countable income increases; or

(b) Your family size decreases.

**AMENDATORY SECTION** (Amending WSR 02-12-069, filed 5/31/02, effective 7/1/02)

**WAC 388-290-0190 What does the WCCC program pay for and when can the program pay more?** (1) We pay for:

(a) Basic child care hours, either full day, half day or hourly:

(i) A full day of child care is authorized to licensed/certified facilities and seasonal day camps that have contracted with us to provide subsidized child care when care is needed for five or more hours per day;

(ii) A half day of child care is authorized to licensed/certified facilities and seasonal day camps that have contracted with us to provide subsidized child care when care is needed for less than five hours per day; and

(iii) Hourly child care is authorized when the provider is an in-home/relative.

(b) A registration fee (under WAC 388-290-0245);

(c) An activity fee (under WAC 388-290-0245);

~~(d) ((Care for nonstandard hours (under WAC 388-290-0210 and 388-290-0215));~~

~~(e))~~ An infant bonus (under WAC 388-290-0250); and

~~((f))~~ (e) Special needs care when the child has a documented need for higher level of care (under WAC 388-290-0220, 388-290-0225, 388-290-0230, and 388-290-0235).

(2) We pay more than the basic child care subsidy daily rate if:

(a) Care is not available at our daily rate within a reasonable distance, then the provider's usual daily rate is authorized; or

(b) Care is over ten hours per day, then an additional amount of care is authorized.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 388-290-0210

When can the WCCC program authorize the nonstandard hour child care bonus?

EMERGENCY

**WSR 04-05-100**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 04-28—Filed February 18, 2004, 8:28 a.m., effective February 19, 2004, 12:01 p.m.]

Date of Adoption: February 17, 2004.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:  
 Repealing WAC 220-56-36000X; and amending WAC 220-56-360.

Statutory Authority for Adoption: RCW 77.12.047.

Under 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: Survey results show that adequate clams are available for harvest in Razor Clam Areas 1 and 2. Washington Department of Health has certified clams from these beaches to be safe for human consumption. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: February 19, 2004, 12:01 p.m.

February 17, 2004

J. P. Koenings

Director

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. February 22, 2004:

WAC 220-56-36000X

Razor clams—Areas and seasons.

EMERGENCY

NEW SECTION

**WAC 220-56-36000X Razor clams—Areas and seasons.** 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, or 3, except as provided for in this section:

1. Effective 12:01 p.m. February 19 through 11:59 p.m. February 21, 2004, razor clam digging is allowed in Razor Clam Area 1 and Razor Clam Area 2. Digging is allowed from 12:01 p.m. to 11:59 p.m. each day.

2. It is unlawful to dig for razor clams at any time in Long Beach, Twin Harbors Beach or Copalis Beach Clam sanctuaries defined in WAC 220-56-372.

WSR 04-04-019

AGENDA

DEPARTMENT OF AGRICULTURE

[Filed January 26, 2004, 10:01 a.m.]

Following is the Department of Agriculture's semi-annual rules development agenda for the period January 1, 2004, through June 30, 2004, which is being sent in compliance with RCW 34.05.314.

If you have any questions, please call George Huffman at (360) 902-1802 or e-mail at ghuffman@agr.wa.gov.

Washington State Department of Agriculture

Semi-Annual Rules Agenda

January 1, 2004 - June 30, 2004

P.O. Box 42560, Olympia, WA 98504-2560

WAC Number	Rule Title	Agency Contact	Tentative Timeline			Subject of Rule Making
			CR-101	CR-102	CR-103	
<b>Plant Protection Division</b>						
NEW	Labeling rules for nursery stock.	Tom Wessels Plant Services Program Manager Phone (360) 902-1984	1-22-03	3-3-04	4-20-04	Proposed rules would implement statutory requirement in chapter 15.13 RCW that nursery stock offered for sale in Washington state be labeled with the botanical name of the stock. The ability to identify horticultural plants is critical when enforcing plant related quarantines, especially noxious weed quarantines. Plant labeling rules will benefit consumers by providing them with an accurate identity of the plants they purchase and will also allow consumers to identify native plants collected in their natural environment.
Chapter 16-324 WAC	Rules for the certification of seed potatoes.	Tom Wessels Plant Services Program Manager Phone (360) 902-1984	2-4-04	3-24-04	5-13-04	WSDA's plant services program may revise the seed potato certification rule to comply with the United States/Canada necrotic virus management plan, which is currently being revised. The department may also have to sign a proposed memorandum of understanding (MOU) with USDA-APHIS on seed potato certification. Compliance with both the management plan and the MOU will be necessary in order to send seed potatoes out of state. Both the management plan and the MOU will likely require amendments to chapter 16-324 WAC.
Chapter 16-350 WAC	Registration and certification of fruit tree planting stock.	Tom Wessels Plant Services Program Manager Phone (360) 902-1984	11-14-03	TBD	TBD	The department plans to amend chapter 16-350 WAC to reflect current industry and regulatory needs and practices, particularly with regard to prevention and exclusion of plant virus diseases, and by establishing a fee schedule for activities associated with fruit tree certification. In addition, this proposal may amend

MISC.

WAC Number	Rule Title	Agency Contact	Tentative Timeline			Subject of Rule Making
						WAC 16-350-045 Application and fees, to eliminate duplication of information specified in WAC 16-401-050 and to correct an erroneous RCW reference.
WAC 16-401-070	Annual assessment—Record-keeping requirement.	Tom Wessels Plant Services Program Manager Phone (360) 902-1984	1-21-04	3-24-04	5-11-04	The department is proposing to add a new section to chapter 16-401 WAC, Nursery inspection fees, that establishes record-keeping requirements for the sale of grapevine propagation material, fruit trees and fruit tree related ornamental nursery stock. The purpose of these record-keeping requirements is to facilitate audits and to ensure that proper assessment amounts are paid to the department.
Chapter 16-470 WAC	Quarantines—Agricultural pests.	Brad White Pest Program Manager Phone (360) 902-1907	10-1-03	12-24-03	2-10-04	The department proposes to amend chapter 16-470 WAC by establishing an apple maggot ( <i>Rhagoletis pomonella</i> ) quarantine in all or a portion of Kittitas County. Multiple life stages of apple maggot were detected in Kittitas County during the summer of 2003. This is significant because it indicates there is a local reproducing population of this pest. The proposed amendments are intended to prevent or minimize possible movement of apple maggot from Kittitas County into uninfested areas and to protect the commercial tree fruit industry from an economically significant pest by regulatory measures, including quarantine establishment.
Chapter 16-662 WAC	Weights and measures—National handbooks.	Jerry Buendel Weights and Measures Program Manager Phone (360) 902-1856	1-21-04 (CR-105)	Expedited Adoption	3-24-04	Update references to reflect current national handbooks and amend WAC 16-662-110 (1)(a) to comply with national standards.
<b>Food Safety, Animal Health and Consumer Services Division</b>						
Implementing chapter 397, Laws of 2003 (ESHB 1754)	Special temporary permit—Poultry slaughter.	Jim Pressley Food Safety Assistant Program Manager Phone (360) 902-1860	6-4-03	2-18-04	4-6-04	The department, working with industry stakeholders and other interested parties, is developing rules to implement chapter 397, Laws of 2003 (ESHB 1754), which relates to the slaughter of chickens ( <i>Gallus domesticus</i> ). ESHB 1754 requires that the department issue a special temporary permit regulating "the slaughter and preparation of one thousand or fewer pastured chickens in a calendar year by the agricultural producer of the chickens for the sale of whole raw chickens by the producer directly to the ultimate consumer at the producer's farm, and for such sale." ESHB 1754 specifically directs the depart-

MISC.

WAC Number	Rule Title	Agency Contact	Tentative Timeline			Subject of Rule Making
						<p>ment to develop rules generally patterned after those established by WAC 246-215-190 Temporary food service establishments, but tailored specifically to the slaughter, preparation and sale activities identified in the bill. ESHB 1754 requires that the department's rules must at least address:</p> <ul style="list-style-type: none"> <li>• Cooling procedures, when applicable;</li> <li>• Sanitary facilities, equipment and utensils;</li> <li>• Clean water;</li> <li>• Washing and other hygienic practices;</li> <li>• Waste water disposal; and</li> <li>• The length of time the special permit is valid.</li> </ul>
<b>Commodity Inspection Division</b>						
Chapter 16-400 WAC	Fruit and vegetable inspection fees.	Jim Quigley Fruit and Vegetable Inspection Program Manager Phone (360) 902-1883	5-7-03	3-24-04	5-1-04	<p>The department is rewriting chapter 16-400 WAC in a clear and readable style and proposing to:</p> <ul style="list-style-type: none"> <li>• Increase fruit and vegetable inspection program hourly inspection rates (regular and overtime). RCW 15.17.150 directs the department to establish fees to recover the costs of providing inspection and/or certification or other requested services. To comply with this statutory mandate, the department will propose a fee schedule that provides for the recovery of hourly inspection costs, both regular and overtime. Current hourly inspection rates are below the cost of providing inspection services.</li> <li>• Adopt federal terminal hourly rates established by USDA/AMS/FPB. Since there are no department rules for fresh produce audit verification of fruits and vegetables, the department is proposing to adopt the federal terminal market hourly inspection rate for such services. Such action will result in equal state and federal fees for this federal/state program.</li> </ul>

MISC.

WAC Number	Rule Title	Agency Contact	Tentative Timeline			Subject of Rule Making
WAC 16-301-250	Annual bluegrass quarantine—Definitions.	Victor Shaul Operations Manager Seed Inspection/Certification Program Commodity Inspection Division Phone (509) 225-2682	10-22-03	12-23-03	2-23-04	Based upon recommendations from the Seed Program Advisory Committee, amendments will be proposed to WAC 16-301-250, 16-301-265, and 16-301-270 to remove range, reclamation, and forage type grasses from the annual bluegrass quarantine requirements; and to WAC 16-301-310, 16-301-325, 16-301-330, and 16-301-335 to remove range, reclamation, and forage type grasses from the rough bluegrass quarantine requirements.
WAC 16-301-265	Annual bluegrass quarantine—Regulated articles.					
WAC 16-301-270	Annual bluegrass quarantine—Conditions governing movement of regulated articles.					
WAC 16-301-310	Rough bluegrass quarantine—Definitions.					
WAC 16-301-325	Rough bluegrass quarantine—Regulated articles.					
WAC 16-301-330	Rough bluegrass quarantine—Conditions governing movement of regulated articles.					
WAC 16-301-335	Rough bluegrass—Procedures for cleaning seed stock.					
WAC 16-301-365	Bean seed quarantine—Establishing quarantine.	Victor Shaul Operations Manager Seed Inspection/Certification Program Commodity Inspection Division Phone (509) 225-2682	12-23-03	TBD	TBD	The department's proposal to amend the listed WAC sections is in response to an industry request to simplify the requirements of the two current bean quarantine rules. The department's proposal combines the two current rules into one rule, simplifies compliance and reporting requirements and clarifies which diseases are regulated by the quarantine.
WAC 16-301-375	Regulated articles.					
WAC 16-301-380	Regulated diseases.					
WAC 16-301-395	General requirements for planting bean seed in the regulated area.					
WAC 16-301-410	Additional requirements for planting bean seed in quarantine Area I.					
WAC 16-301-415	Additional requirements for planting bean seed in quarantine Area II.					
WAC 16-301-420	Quarantine—Exceptions and exemptions.					
WAC 16-301-430	Identification and disposition of diseased bean seed and infected bean fields.	Victor Shaul Operations Manager Seed Inspection/Certification Program Commodity Inspection Division Phone (509) 225-2682	12-23-03	TBD	TBD	The department's proposal to amend the listed WAC sections is in response to an industry request to simplify the requirements of the two current bean quarantine rules. The department's proposal combines the two current rules into one rule, simplifies compliance and reporting requirements and clarifies which diseases are regulated by the quarantine.
WAC 16-301-435	Notice of destruction.					
WAC 16-301-440	Penalties.					
WAC 16-301-450	Bean seed-borne viral disease quarantine—Establishing the quarantine.					
WAC 16-301-455	Bean seed-borne viral disease quarantine—Regulated articles.					

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WAC Number	Rule Title	Agency Contact	Tentative Timeline			Subject of Rule Making
WAC 16-301-460  WAC 16-301-465  WAC 16-301-470  WAC 16-301-475	Bean seed-borne viral disease quarantine—Regulated disease. Bean seed-borne viral disease quarantine—Quarantine area. Bean seed-borne viral disease quarantine—Regulated area. Bean seed-borne viral disease quarantine—Requirements for planting bean seed in the regulated area.	Victor Shaul Operations Manager Seed Inspection/Certification Program Commodity Inspection Division Phone (509) 225-2682	12-23-03	TBD	TBD	The department's proposal to repeal the listed WAC sections is in response to an industry request to simplify the requirements of the two current bean quarantine rules. The department's proposal combines the two current rules into one rule, simplifies compliance and reporting requirements and clarifies which diseases are regulated by the quarantine.
WAC 16-301-480  WAC 16-301-485	Bean seed-borne viral disease quarantine—Identification and disposition of diseased bean seed. Bean seed-borne viral disease quarantine—Penalties.	Victor Shaul Operations Manager Seed Inspection/Certification Program Commodity Inspection Division Phone (509) 225-2682	12-23-03	TBD	TBD	The department's proposal to repeal the listed WAC sections is in response to an industry request to simplify the requirements of the two current bean quarantine rules. The department's proposal combines the two current rules into one rule, simplifies compliance and reporting requirements and clarifies which diseases are regulated by the quarantine.
WAC 16-302-385	Grass seed standards for certification.	Victor Shaul Operations Manager Seed Inspection/Certification Program Commodity Inspection Division Phone (509) 225-2682	12-23-03	TBD	TBD	The department's proposal is in response to an industry request to modify the certification standards for Thickspike wheatgrass so the amount of Slender wheatgrass allowed in the certified class can be increased. Such an amendment to WAC 16-302-385 will make Washington's grass seed certification standards uniform with other western states. Such uniformity will facilitate the marketing of Washington produced grass seed by allowing Washington producers to more fairly compete against seed certified in other western states.
WAC 16-303-340	Seed certification fees for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum and small grains.	Victor Shaul Operations Manager Seed Inspection/Certification Program Commodity Inspection Division Phone (509) 225-2682  Keith Pfeifer Manager Washington State Crop Improvement Association Phone (509) 966-2234	9-30-03	12-23-03	2-24-04	The department is proposing to increase seed certification fees for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum and small grains by the Office of Financial Management (OFM) fiscal growth rate factor for fiscal year 2004, which mean these fees will increase by 3.2%. These increases are necessary to ensure that the fees charged for Washington Crop Improvement Association services are sufficient to offset inflationary increases in seed certification program operating costs delegated to the association by the WSDA director.

MISC.

WAC Number	Rule Title	Agency Contact	Tentative Timeline			Subject of Rule Making
WAC 16-302-685	Small grain standards for seed certification.	Victor Shaul Operations Manager Seed Inspection/Certification Program Commodity Inspection Division Phone (509) 225-2682  Keith Pfeifer Manager Washington State Crop Improvement Association Phone (509) 966-2234	9-30-03	12-23-03	2-23-04	The department is proposing amendments to WAC 16-302-685 that will modify the isolation standard distances in the small grain certification standards so they comply with recent changes adopted by the Association of Official Seed Certifying Agencies. As a member agency of the Association of Official Certifying Agencies, WSDA is compelled to maintain Washington certification standards that are, at a minimum, equal to national standards.
WAC 16-319-041	Application for certification of forest reproductive material.	Victor Shaul Operations Manager Seed Inspection/Certification Program Commodity Inspection Division Phone (509) 225-2682  Keith Pfeifer, Manager Washington State Crop Improvement Association Phone (509) 966-2234	9-30-03	12-23-03	2-24-04	The department is proposing to increase certification of forest reproductive material fees by the Office of Financial Management (OFM) fiscal growth rate factor for fiscal year 2004, which means fees, will increase by 3.2%. These increases are necessary to ensure that the fees charged for Washington Crop Improvement Association services are sufficient to offset inflationary increases in forest reproductive material certification program operating costs delegated to the association by the WSDA director.
<b>Pesticide Management Division</b>						
WAC 16-228-1220	What are the restrictions applying to any person holding, handling, using, or disposing of pesticides and their containers?	Ann Wick Program Development Program Manager Phone (360) 902-2051	1-8-04	TBD	TBD	Based upon public comments received in 2003 when chapter 16-228 WAC, General pesticide rules, was revised, the department will consider rule making to clarify the restrictions in WAC 16-228-1220(4) that apply to any person applying pesticides near schools, hospitals or similar establishments by airblast sprayers or aircraft. The department will solicit additional comments from stakeholders and other interested parties before considering possible rule amendments.
WAC 16-228-1231	State restricted use pesticides for distribution by licensed pesticide dealers and for use by certified applicators only.	Ann Wick Program Development Program Manager Phone (360) 902-2051	1-8-04	TBD	TBD	Amend subsections (1) and (4) to define herbicides and related container sizes that should be considered restricted use or have restrictions due to product volatility causing phytotoxicity.
WAC 16-228-1250	Phenoxy herbicide restrictions.					Amend section to define herbicides and related container sizes that should be considered restricted use or have restrictions due to product volatility causing phytotoxicity.

MISC.



WAC Number	Rule Title	Agency Contact	Tentative Timeline			Subject of Rule Making
WAC 16-230-400 through 16-230-470	Restricted use herbicides—Spokane County.					Amend sections to define herbicides and related container sizes that should be considered restricted use or have restrictions due to product volatility causing phytotoxicity.
WAC 16-230-600 through 16-230-675	High volatile ester and dust formulations, area under order and specific rules for eastern Washington.					Amend sections to define herbicides and related container sizes that should be considered restricted use or have restrictions due to product volatility causing phytotoxicity.
WAC 16-230-800 through 16-230-868	Application of pesticides in Benton County.	Ann Wick Program Development Program Manager Phone (360) 902-2051	1-8-04	TBD	TBD	Amend sections to define herbicides and related container sizes that should be considered restricted use or have restrictions due to product volatility causing phytotoxicity.
WAC 16-231-100 through 16-231-183	Restricted use herbicides—Franklin County.					Amend sections to define herbicides and related container sizes that should be considered restricted use or have restrictions due to product volatility causing phytotoxicity.
WAC 16-231-200 through 16-231-235	Restricted use herbicides—Yakima County.					Amend sections to define herbicides and related container sizes that should be considered restricted use or have restrictions due to product volatility causing phytotoxicity.
WAC 16-231-300 through 16-231-335	Restricted use herbicides—Adams County.					Amend sections to define herbicides and related container sizes that should be considered restricted use or have restrictions due to product volatility causing phytotoxicity.
WAC 16-231-400 through 16-231-425	Restricted use herbicide—Columbia County.					Amend sections to define herbicides and related container sizes that should be considered restricted use or have restrictions due to product volatility causing phytotoxicity.
WAC 16-231-500 through 16-231-530	Restricted use herbicides—Whitman County.	Ann Wick Program Development Program Manager Phone (360) 902-2051	1-8-04	TBD	TBD	Amend sections to define herbicides and related container sizes that should be considered restricted use or have restrictions due to product volatility causing phytotoxicity.
WAC 16-231-600 through 16-231-620	Restricted use herbicides—Klickitat County.					Amend sections to define herbicides and related container sizes that should be considered restricted use or have restrictions due to product volatility causing phytotoxicity.

MISC.

WAC Number	Rule Title	Agency Contact	Tentative Timeline			Subject of Rule Making
WAC 16-231-700 through 16-231-725	Restricted use herbicides—Okanogan County.					Amend sections to define herbicides and related container sizes that should be considered restricted use or have restrictions due to product volatility causing phytotoxicity.
WAC 16-231-800 through 16-231-840	Restricted use herbicides—Douglas and Chelan counties.					Amend sections to define herbicides and related container sizes that should be considered restricted use or have restrictions due to product volatility causing phytotoxicity.
WAC 16-231-900 through 16-231-935	Restricted use herbicides—Grant County.					Amend sections to define herbicides and related container sizes that should be considered restricted use or have restrictions due to product volatility causing phytotoxicity.
WAC 16-232-001 through 16-232-077	Restricted use herbicides and application of pesticides—Walla Walla County.	Ann Wick Program Development Program Manager Phone (360) 902-2051	1-8-04	TBD	TBD	Amend sections to define herbicides and related container sizes that should be considered restricted use or have restrictions due to product volatility causing phytotoxicity.
WAC 16-232-100 through 16-232-120	Restricted use herbicides—Lincoln County.					Amend sections to define herbicides and related container sizes that should be considered restricted use or have restrictions due to product volatility causing phytotoxicity.
WAC 16-232-200 through 16-232-225	Restricted use herbicides—Garfield County.					Amend sections to define herbicides and related container sizes that should be considered restricted use or have restrictions due to product volatility causing phytotoxicity.
WAC 16-232-300 through 16-232-315	Restricted use herbicides—Kittitas County.					Amend sections to define herbicides and related container sizes that should be considered restricted use or have restrictions due to product volatility causing phytotoxicity.

MISC.

George Huffman  
Rules Coordinator

**WSR 04-05-002**  
**AGENDA**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[Filed February 4, 2004, 12:41 p.m.]

The Washington Utilities and Transportation Commission submits its semi-annual report rule development agenda for publication in the Washington State Register pursuant to RCW 34.05.314.

Please direct any questions to Karen M. Caille at (360) 664-1136 or kcaille@wutc.wa.gov.

**Utilities and Transportation Commission**  
**Semi-annual Rules Development Agenda**  
**(January 1, 2004 - June 30, 2004)**

Additional rule-making activity not on the agenda may be undertaken to meet conditions not now anticipated.

Dates that are in "bold" print, indicate that filing has occurred. All other dates are projected. The commission maintains a schedule of rule-making activity that is updated several times per month. See <www.wutc.wa.gov>.

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
Chapters 480-15, 480-30, 480-51, 480-70, 480-75, 480-90, 480-92, 480-100, 480-110, 480-120, 480-121, 480-140, and 480-146 WAC	Rule on reporting transactions between regulated companies and subsidiaries	Fred Ottavelli Regulatory Services (360) 664-1297	10/2/02	To be determined	To be determined	Consider establishing rules that would require reporting of transactions between regulated companies and their subsidiaries.
WAC 480-120-146	Rule on changing service providers from one local exchange company to another	Tom Wilson Telecommunications	N/A (Petition for rule making)	1/21/04	3/24/04	Consider adopting and amending rules to clarify the process to be followed when a customer migrates from one LEC to another, and the customer retains his/her telephone number via local number portability (LNP).
WAC 480-62-320	Petition for rule making on locomotive remote technology train operations	Mike Rowswell Rail Safety (360) 664-1205	1/24/03	10/22/03	12/31/03	Consider adopting or amending rules related to public and employee safety and the protection of property from damage associated with remote control locomotive operations.
Chapters 480-30 and 480-40 WAC	Bus rules	Bonnie Allen Transportation (360) 664-1226	5/28/02	4/28/04	6/30/04	Review of rules as a result of Governor Locke's Executive Order 97-02.
Chapter 480-93 WAC	Pipeline safety rules	Sondra Walsh Pipeline Safety (360) 664-1286	8/9/01	5/12/04 (Part A) 9/22/04 (Part B)	6/30/04 (Part A) 12/10/04 (Part B)	Review of rules as a result of Governor Locke's Executive Order 97-02.
WAC 480-100-238 and 480-90-238	Resource planning rules	Graciela Etchart Energy Section (360) 664-1310	4/15/03	6/9/04	9/22/04	Consider resource planning policy revisions. Review of rules as a result of Governor Locke's Executive Order 97-02.
Chapter 480-107 WAC	Electric companies—Purchasers of electricity	Graciela Etchart Energy Section (360) 664-1310	4/15/03	6/9/04	9/22/04	Review of rules as a result of Governor Locke's Executive Order 97-02.
Chapter 480-11 WAC	SEPA procedures	Not assigned	5/2004 (estimated)	To be determined	To be determined	Reference Department of Ecology rules; identify commission's responsible official.
Chapters 480-120, 480-80, and 480-122 WAC	Update to telecom rules	Sharyn Bate Telecommunications Section	1/21/04 1/27/04	5/26/04	6/16/04	Consider minor changes that have been identified since the rule underwent a major revision in 2002.
Chapter 480-15 WAC	Household goods	Not assigned	6/2004 (estimated)	To be determined	To be determined	Update tariff fees.
Chapter 480-51 WAC	Steamship companies	Not assigned	8/2004	To be determined	To be determined	Review of rules as a result of Governor Locke's Executive Order 97-02.
WAC 480-93-999 and 480-75-999	Adoption by reference	Sondra Walsh Pipeline Safety (360) 664-1286	4/2004	To be determined	To be determined	Incorporate new and amended federal rules by reference per 49 C.F.R.

Carole J. Washburn  
Executive Secretary

**WSR 04-05-006**  
**RULES COORDINATOR**  
**BATES TECHNICAL COLLEGE**  
 [Filed February 6, 2004, 10:36 a.m.]

Please consider this letter as official notification updating Bates Technical College's rules coordinator status. Bates' current rules coordinator is Amy Goings, Director of Development. She can be reached at (253) 680-7102.

Dr. Lilburn Horton  
 Interim President

**WSR 04-05-009**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Filed February 6, 2004, 4:09 p.m.]

Notice of Prevailing Rate of Wage Change - Skagit County

As per RCW 39.12.015, 39.12.020 and WAC 296-127-011 the Department of Labor and Industries has determined that the prevailing rate of wage published on February 3, 2004, (WSR 04-04-077) for the sheet metal worker classification in Skagit County was incorrect. The department made the correction on February 6, 2004, and the correct rate will appear in the publication to be effective March 3, 2004. The correct prevailing rate of wage and apprenticeship wages for the classification of sheet metal worker in Skagit County is:

Journey Level Wage:

Prevailing Wage Category	Prevailing Wage	Overtime Code	Holiday Code	Note Code
Sheet Metal Worker	\$38.15	1E	5B	N/A

Apprenticeship Wages:

State of Progression and Hour Range	Prevailing Wage	Overtime Code	Holiday Code	Note Code
1: 0-2000 Hours - 45.0%	\$17.22	1E	5B	N/A
2: 2001-3000 Hours - 50.0%	\$21.44	1E	5B	N/A
3: 3001-4000 Hours - 55.0%	\$22.88	1E	5B	N/A
4: 4001-5000 Hours - 60.0%	\$24.35	1E	5B	N/A
5: 5001-6000 Hours - 65.0%	\$25.79	1E	5B	N/A
6: 6001-7000 Hours - 70.0%	\$27.25	1E	5B	N/A
7: 7001-8000 Hours - 75.0%	\$28.71	1E	5B	N/A
8: 8001-9000 Hours - 80.0%	\$30.15	1E	5B	N/A
9: 9001-10000 Hours - 85.0%	\$31.62	1E	5B	N/A

The department has determined that this change is necessary to correct an error that was made in updating these wages. Absent this change, L&I will be enforcing an incorrect prevailing wage, which irreparably harms contractors, workers and the people of the state of Washington. This correction is necessary to ensure the correct application of prevailing wages and the general welfare.

Josh Swanson  
 Prevailing Wage Manager  
 Industrial Statistician

**WSR 04-05-018**  
**NOTICE OF PUBLIC MEETINGS**  
**BELLINGHAM TECHNICAL COLLEGE**  
 [Memorandum—February 9, 2004]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, February 19, 2004, 9:00 - 11:00 a.m., in the College Services Board Room on the Bellingham Technical College campus. Call 738-3105 ext. 334 for information.

**WSR 04-05-020**  
**NOTICE OF PUBLIC MEETINGS**  
**BATES TECHNICAL COLLEGE**  
 [Memorandum—February 6, 2004]

The board of trustees of Bates Technical College will meet in special session on February 18, 2004, from 10:30 a.m. to approximately 3:00 p.m. in the Clyde Hupp Board Room, 1101 South Yakima Avenue, Tacoma. The trustees will go immediately into executive session for the purpose of considering award, denial or extension of tenure. The board will reconvene the regular public meeting prior to taking any action.

MISC.

**WSR 04-05-023**  
**OFFICE OF THE GOVERNOR**

[Filed February 10, 2004, 1:21 p.m.]

February 6, 2004

Mr. James R. Hardman  
Hardman & Johnson  
119 First Avenue South, Suite 200  
Seattle, Washington 98104

Dear Mr. Hardman:

On Friday, January 30, 2004, the Office of the Governor received your petition seeking repeal of the Department of Social and Health Services Emergency Rule WSR 04-02-010, pertaining to residential rehabilitation centers. The DSHS emergency rules, as contained in WSR 04-02-010, create several new sections in Chapter 388-837, and repeal a section and amend several sections in 388-835 of the Washington Administrative Code.

This rule was adopted on December 24, 2003. It was filed with the Office of the Code Reviser on December 29, 2003.

The statute under which you seek relief, RCW 34.05.350(3), provides, in relevant part, that "within seven days after the rule is adopted, any person may petition the governor requesting immediate repeal of a rule adopted on an emergency basis by any department listed in RCW 43.17.010." Given that the rule was adopted on December 24, 2004, your petition is untimely and thus no longer ripe for review by the Governor.

Sincerely,  
Jennifer Joly  
General Counsel

**WSR 04-05-029**  
**NOTICE OF PUBLIC MEETINGS**  
**ECONOMIC DEVELOPMENT**  
**FINANCE AUTHORITY**

[Memorandum—February 9, 2004]

The Washington Economic Development Finance Authority (WEDFA) is an independent agency (#106) within the executive branch of the state government. The authority has four regular board meetings each year, one per quarter. The authority's meetings are open to the public, and access for persons with disabilities is provided at all meetings of the authority. The location of the previously-noticed March 10, 2004, meeting has been changed.

The Wednesday, March 10, 2004, meeting will be held in the authority's offices, 1000 Second Avenue, Suite 2700, Seattle, WA, beginning at 10 a.m.

Please call Jonathan A. Hayes at (206) 587-5634 if you have any questions.

**WSR 04-05-036**  
**NOTICE OF PUBLIC MEETINGS**  
**LAW ENFORCEMENT OFFICERS' AND**  
**FIRE FIGHTERS' PLAN 2 RETIREMENT BOARD**

[Memorandum—February 10, 2004]

**Cancellation of February LEOFF Plan 2 Retirement Board Meeting**

This is to notify you that the February 25, 2004, meeting of the LEOFF Plan 2 Retirement Board has been canceled.

Please feel free to contact Jeralyn Faulhaber at (360) 664-7767 or by e-mail at jeralyn.faulhaber@ofm.wa.gov should you have any questions.

**WSR 04-05-037**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF AGRICULTURE**

(Red Raspberry Commission)  
[Memorandum—February 9, 2004]

The Washington Red Raspberry Commission has voted to change its scheduled meeting for March 17th to March 23rd. The meeting will begin at 1 p.m. at the WSU Branch Campus in Vancouver, Washington. Contact the Red Raspberry Commission for a detailed agenda and directions to the meeting.

**WSR 04-05-038**  
**DEPARTMENT OF ECOLOGY**

[Filed February 12, 2004, 9:46 a.m.]

**NOTICE OF PUBLIC HEARING**

Including Puget Sound Clean Air Agency Regulations in the State Implementation Plan

Local air pollution control agencies periodically submit air quality regulations to the Department of Ecology (ecology) for inclusion in Washington's state implementation plan (SIP). The SIP is a statewide plan for meeting federal health-based standards for certain air pollutants. Ecology will hold a public hearing to receive comments on including Puget Sound Clean Air Agency (PSCAA) regulations in the SIP.

Chapter 173-400 WAC, General regulations for air pollution sources, applies to sources statewide unless a local air quality agency or the Energy Facility Site Evaluation Council (EFSEC) has adopted its own new source review rule applicable within its jurisdiction. Local air quality agencies may have supplemental rules as long as they are as stringent as the WAC. For this reason, ecology will receive comments on including in the SIP various PSCAA general source-related provisions.

The proposed changes are necessary to achieve alignment of state and federal air quality rules for stationary sources. Moreover, they clarify requirements for existing and new stationary sources of air pollution by eliminating conflicts with chapter 70.94 RCW and 40 C.F.R. Part 51.

When incorporated into the SIP, the rules reduce the number of duplicative applicable state and local regulations.

Ecology will receive comments on adopting, amending and removing the following PSCAA regulations in the SIP:

ADD: Regulation I, Sections 3.25 and 6.01.

AMEND: Regulation I, Sections 1.07, 3.04 (except (e)), 6.03, 6.09, 6.10, 9.03 (except (d) & (e)), 9.04, 9.08, and 12.03 (except (b)(2)).

REMOVE: Regulation I, Sections 6.04, 6.06, 6.07, and 6.08.

The board of directors of PSCAA will conduct a public hearing on this issue. The board is expected to adopt the changes following the local hearing. Ecology's public hearing on including the changes in the SIP will follow. (Note: PSCAA locally amended Regulation I, Section 3.25 on September 25, 2003 and Section 6.10 on July 12, 2001. Having been previously adopted locally, ecology will receive comment on adding Regulation I, Sections 3.25 and 6.10 to the SIP at this time.) The hearing is on Thursday, March 25, 2004, at 9:15 a.m., Puget Sound Clean Air Agency, 110 Union Street, Suite 500, Seattle, WA.

For a SIP hearing, only comments related to including and/or removing the PSCAA regulations in or from the SIP can be considered. Written comments must be postmarked no later than April 1, 2004, and should be sent to Brett Rude, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600.

For more information about the content of the regulations prior to the hearing, please contact Melissa McEachron, (360) 407-6860, or Brett Rude, (360) 407-6847.

If you need this information in an alternate format, please contact the agency receptionist at Puget Sound Clean Air Agency, (206) 689-4010, by March 18, 2004. If you are a person with a speech or hearing impairment, call (800) 833-6388 (TDD).

#### WSR 04-05-042

##### POLICY STATEMENT

#### DEPARTMENT OF HEALTH

[Filed February 12, 2004, 2:11 p.m.]

##### NOTICE OF ADOPTION OF A POLICY STATEMENT

Title of Policy: MAY ARNPS/CERTIFIED NURSE MIDWIVES HAVE CONSULTATIVE & REFERRAL RELATIONSHIPS WITH LICENSED MIDWIVES LICENSED UNDER 18.50 RCW?

Issuing Entity: Nursing Care Quality Assurance Commission.

Subject Matter: May ARNPs/certified nurse midwives have consultative and referral relationships with licensed midwives licensed under chapter 18.50 RCW?

Effective Date: September 12, 2003.

Contact Person: Leann Yount, Secretary Administrative, Health Professions Quality Assurance, Department of Health, P.O. Box 47860, Olympia, WA 98504-7860, (360) 236-4997.

#### WSR 04-05-046

##### RULES COORDINATOR

#### PUBLIC EMPLOYMENT RELATIONS COMMISSION

[Filed February 12, 2004, 3:12 p.m.]

Please be advised that Operations Manager Kenneth J. Latsch has been designated as the rules coordinator for the Public Employment Relations Commission. He can be reached as follows: Kenneth J. Latsch, Public Employment Relations Commission, 603 Evergreen Plaza Building, P.O. Box 40919, Olympia, WA 98504-0919, phone (360) 570-7320, fax (360) 570-7334, e-mail klatsch@perc.wa.gov.

Marvin L. Schurke  
Executive Director

#### WSR 04-05-047

##### NOTICE OF PUBLIC MEETINGS

#### DEVELOPMENTAL DISABILITIES COUNCIL

[Memorandum—February 11, 2004]

#### Public Meeting Notification for the Developmental Disabilities Endowment Trust Fund Board Meeting Dates, 2004

DATE	TIME	LOCATION
March 11, 2004	10 a.m.-2 p.m.	SeaTac Red Lion 18220 International Boulevard
June 17, 2004	10 a.m.-2 p.m.	SeaTac Red Lion 18220 International Boulevard
September 23, 2004 all trust holders	1 p.m.-4 p.m. 4 p.m.-6 p.m.	Fife Best Western 5700 Pacific Highway East
December 16, 2004	10 a.m.-2 p.m.	SeaTac Red Lion 18220 International Boulevard

#### WSR 04-05-051

##### NOTICE OF PUBLIC MEETINGS

#### UNIFORM LEGISLATION COMMISSION

[Memorandum—February 11, 2004]

The commission will meet on the second Wednesday of the following months: January, April, July and October. The meetings will begin at 12:00 p.m. at the offices of Professor Anita Ramasastry, University of Washington, School of Law, 417 Gates Hall, Seattle, WA 98195-3020, phone (206) 616-8441.

**WSR 04-05-052**  
**NOTICE OF PUBLIC MEETINGS**  
**PUGET SOUND**  
**SALMON COMMISSION**  
[Memorandum—February 11, 2004]

**What:** Puget Sound Salmon Commission Meeting  
**Date:** Saturday, March 6, 2004  
**Where:** Quality Inn  
101 128th Street S.E.  
Everett, WA 98208  
**Time:** 9:30 a.m. to 3:30 p.m.  
**Information:** soundcatch@seanet.com  
or (206) 595-8734

tle at the Top of the Market meeting space located at 93 Pike Street. The location and time will remain the same.

If you have any questions, please feel free to give Kim Abello a call at (206) 667-9463 ext. 200 or via e-mail at kabelleo@washingtonwine.org.

**WSR 04-05-066**  
**NOTICE OF PUBLIC MEETINGS**  
**WALLA WALLA**  
**COMMUNITY COLLEGE**  
[Memorandum—February 12, 2004]

The Walla Walla Community College board of trustees (District No. 20) will hold a special meeting (retreat) on Tuesday, February 17, 2004, at 10:00 a.m. The meeting will be held in the board room at Walla Walla Community College.

Irma Leonetti can be reached at (509) 527-4274 or irma.leonetti@wwcc.edu if you have any questions.

**WSR 04-05-053**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
(Apprenticeship and Training Council)  
[Memorandum—February 11, 2004]

Public Meeting Schedule  
Revised from December 1, 2003

**WSR 04-05-071**  
**INTERPRETIVE AND POLICY STATEMENT**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Filed February 17, 2004, 1:47 p.m.]

As per chapter 42.30 RCW, the Open Public Meetings Act, the time and place of the regular meetings for the Washington State Apprenticeship and Training Council are as follows:

In accordance with RCW 34.05.230(12), following is a list of policy and interpretive statements issued by the department for December 2003.

If you have any questions or need additional information, please call Carmen Moore at (360) 902-4206.

DATE	TIME	LOCATION
January 15-16, 2004	9:00 a.m.	Labor and Industries Building 7273 Linderson Way S.W. Tumwater, WA 98501
April 15-16, 2004	9:00 a.m.	Best Western Lakeway Inn and Conference Center 714 Lakeway Drive Bellingham, WA 98229
July 15-16, 2004	9:00 a.m.	The Heathman Lodge 7801 Northeast Greenwood Drive Vancouver, WA 98662
October 21-22, 2004	9:00 a.m.	Davenport Hotel 10 South Post Street Spokane, WA 99201

**POLICY AND INTERPRETIVE STATEMENTS**

**Insurance Services Division**

**Office of the Medical Director, State Fund Claims Administration, Self-Insurance and Crime Victims**

**POLICY 40.17 Payment for Tobacco Cessation Products for Spinal Fusion Candidates**

This policy applies to state fund and self-insurance workers' compensation claims and crime victim claims. This policy has been updated for clarity. The policy provides adjudicators with the guidelines needed when request is received to pay for tobacco cessation products. New policy issued December 1, 2003.

Contact Linda Norris, Mailstop 4310, phone (360) 902-4999.

**Employer Services, Self-Insurance and Crime Victims**

**INTERIM POLICY 72.09 General or "Prime" Contractor's Liability**

This policy provides guidelines for revenue officers in pursuing prime contractor liability (PLC), which will be universally applied to all "prime contractors" and not just those in construction. New policy issued December 22, 2003.

Contact Linda Norris, Mailstop 4310, phone (360) 902-4999.

Please call (360) 902-5322 if you have any questions about these meetings.

**WSR 04-05-065**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF AGRICULTURE**  
(Wine Commission)  
[Memorandum—February 11, 2004]

The location of our Wine Commission meeting of April 2, 2004, has been changed. The new location will be in Seat-

MISC.

**Employer Services, Self-Insurance and Crime Victims**

**INTERIM POLICY 91.54 General or "Prime" Contractor's Liability**

This policy provides guidelines for auditors in establishing prime contractor liability in the course of an audit. New policy issued December 22, 2003.

Contact Linda Norris, Mailstop 4310, phone (360) 902-4999.

Carmen Moore  
Legislative and  
Governmental Affairs Office

**WSR 04-05-086**

**AGENDA**

**DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

[Filed February 17, 2004, 4:50 p.m.]

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 04-07 issue of the Register.

MISC.



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
- OBJECT = 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 of existing section
- REVIEW = Review of previously adopted rule
- SUSP = Suspending an existing section

Suffixes:

- C = Continuance of previous proposal
- E = Emergency action
- P = Proposed action
- S = Supplemental notice
- W = Withdrawal of proposed action
- X = Expedited rule making
- XA = Expedited adoption
- XR = Expedited repeal
- 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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16-08-004	NEW	04-02-063	16-230-610	PREP	04-03-004	16-231-125	PREP	04-03-004
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16-170-110	NEW-P	04-05-119	16-230-675	PREP	04-03-004	16-231-177	PREP	04-03-004
16-170-115	NEW-P	04-05-119	16-230-800	PREP	04-03-004	16-231-180	PREP	04-03-004
16-170-120	NEW-P	04-05-119	16-230-810	PREP	04-03-004	16-231-183	PREP	04-03-004
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16-170-130	NEW-P	04-05-119	16-230-815	PREP	04-03-004	16-231-205	PREP	04-03-004
16-170-135	NEW-P	04-05-119	16-230-820	PREP	04-03-004	16-231-210	PREP	04-03-004
16-170-140	NEW-P	04-05-119	16-230-825	PREP	04-03-004	16-231-215	PREP	04-03-004
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16-170-180	NEW-P	04-05-119	16-230-855	PREP	04-03-004	16-231-305	PREP	04-03-004
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16-228-1231	PREP	04-03-004	16-230-861	PREP	04-03-004	16-231-315	PREP	04-03-004
16-228-1250	PREP	04-03-004	16-230-862	PREP	04-03-004	16-231-320	PREP	04-03-004
16-230-400	PREP	04-03-004	16-230-863	PREP	04-03-004	16-231-325	PREP	04-03-004
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16-230-460	PREP	04-03-004	16-231-107	PREP	04-03-004	16-231-413	PREP	04-03-004
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16-231-615	PREP	04-03-004	16-232-310	PREP	04-03-004	16-690-025	REP	04-05-117
16-231-620	PREP	04-03-004	16-232-315	PREP	04-03-004	16-690-030	REP	04-05-117
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16-232-071	PREP	04-03-004	16-530-006	NEW-P	04-03-111	180- 50-320	AMD-P	04-04-086
16-232-074	PREP	04-03-004	16-530-010	AMD-P	04-03-111	180- 51-050	AMD	04-04-093
16-232-077	PREP	04-03-004	16-530-020	AMD-P	04-03-111	180- 51-061	AMD	04-04-092

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180-55-015	AMD	04-04-093	192-140-070	NEW-E	04-02-039	196-12-045	AMD	04-04-001
180-55-020	AMD	04-04-093	192-140-075	NEW-E	04-02-039	196-12-050	AMD	04-04-001
180-55-034	AMD	04-04-093	192-140-080	NEW-E	04-02-039	196-12-055	NEW	04-04-001
180-55-150	REP	04-04-093	192-140-085	NEW-E	04-02-039	196-12-065	NEW	04-04-001
180-78A-100	AMD	04-04-090	192-140-090	NEW-E	04-02-039	196-16-006	NEW	04-04-001
180-78A-270	AMD	04-04-089	192-140-100	NEW-E	04-02-039	196-16-007	AMD	04-04-001
180-78A-507	AMD	04-04-010	192-140-120	NEW-E	04-02-039	196-16-010	AMD	04-04-001
180-79A-030	AMD	04-04-011	192-140-200	NEW-E	04-02-039	196-16-020	AMD	04-04-001
180-79A-117	AMD	04-04-088	192-140-210	NEW-E	04-02-039	196-16-031	AMD	04-04-001
180-79A-140	PREP	04-04-084	192-150-050	AMD-E	04-02-039	196-16-035	NEW	04-04-001
180-79A-206	AMD	04-04-011	192-150-055	AMD-E	04-02-039	196-20-005	NEW-P	04-04-027
180-79A-213	AMD	04-04-011	192-150-060	AMD-E	04-02-039	196-20-010	AMD-P	04-04-027
180-79A-223	AMD	04-04-012	192-150-065	AMD-E	04-02-039	196-20-020	AMD-P	04-04-027
180-79A-226	AMD	04-04-011	192-150-085	AMD-E	04-02-039	196-20-030	AMD-P	04-04-027
180-79A-231	PREP	04-04-084	192-150-090	AMD-E	04-02-039	196-21-005	NEW	04-04-001
180-79A-257	AMD	04-04-009	192-150-110	NEW-E	04-02-039	196-21-010	AMD	04-04-001
180-79A-257	AMD	04-04-011	192-150-115	NEW-E	04-02-039	196-21-020	AMD	04-04-001
180-85-105	AMD-P	04-04-085	192-150-120	NEW-E	04-02-039	196-21-030	AMD	04-04-001
181-01-002	NEW-P	04-04-105	192-150-125	NEW-E	04-02-039	196-23-070	AMD	04-04-001
181-01-003	NEW-P	04-04-106	192-150-130	NEW-E	04-02-039	196-24-041	REP	04-04-001
182-20-400	AMD	04-03-006	192-150-135	NEW-E	04-02-039	196-24-080	REP	04-04-001
192-04-040	AMD-E	04-02-039	192-150-140	NEW-E	04-02-039	196-24-085	REP	04-04-001
192-04-050	AMD-E	04-02-039	192-150-150	NEW-E	04-02-039	196-24-100	REP	04-04-001
192-12-011	REP-E	04-02-039	192-150-200	NEW-E	04-02-039	196-24-105	REP	04-04-001
192-12-012	REP-E	04-02-039	192-150-205	NEW-E	04-02-039	196-24-110	REP-W	04-05-061
192-12-020	REP-E	04-02-039	192-150-210	NEW-E	04-02-039	196-25-001	AMD	04-04-001
192-12-180	REP-E	04-02-039	192-150-215	NEW-E	04-02-039	196-25-002	AMD-W	04-05-061
192-12-184	REP-E	04-02-039	192-150-220	NEW-E	04-02-039	196-25-005	AMD	04-04-001
192-12-190	REP-E	04-02-039	192-180-010	AMD-E	04-02-039	196-25-010	AMD	04-04-001
192-12-300	REP-E	04-02-039	192-180-015	AMD-E	04-02-039	196-25-020	REP	04-04-001
192-12-310	REP-E	04-02-039	192-180-020	AMD-E	04-02-039	196-25-030	REP	04-04-001
192-12-320	REP-E	04-02-039	192-180-025	AMD-E	04-02-039	196-25-040	AMD-W	04-05-061
192-12-330	REP-E	04-02-039	192-180-030	AMD-E	04-02-039	196-25-050	AMD	04-04-001
192-12-340	REP-E	04-02-039	192-180-040	NEW-E	04-02-039	196-25-100	REP	04-04-001
192-16-009	AMD-E	04-02-039	192-200-005	NEW-E	04-02-039	196-27A-025	NEW-W	04-05-061
192-16-015	AMD-E	04-02-039	192-200-010	NEW-E	04-02-039	220-32-05100P	NEW-E	04-03-075
192-16-016	AMD-E	04-02-039	192-200-030	NEW-E	04-02-039	220-32-05100P	REP-E	04-03-075
192-16-019	REP-E	04-02-039	192-220-010	NEW-E	04-02-039	220-32-05100P	REP-E	04-04-053
192-16-023	REP-E	04-02-039	192-220-020	NEW-E	04-02-039	220-32-05100Q	NEW-E	04-04-053
192-23-014	REP-E	04-02-039	192-220-030	NEW-E	04-02-039	220-32-05100Q	REP-E	04-04-053
192-23-015	REP-E	04-02-039	192-230-100	NEW-E	04-02-039	220-33-01000Q	REP-E	04-04-071
192-23-016	REP-E	04-02-039	192-240-035	AMD-E	04-02-039	220-33-01000R	NEW-E	04-04-071
192-23-017	REP-E	04-02-039	192-240-040	AMD-E	04-02-039	220-33-01000R	REP-E	04-04-071
192-23-019	REP-E	04-02-039	192-300-050	AMD-E	04-02-039	220-44-05000A	NEW-E	04-03-010C
192-23-061	REP-E	04-02-039	192-310-010	AMD-E	04-02-039	220-44-05000Z	REP-E	04-03-010C
192-23-096	REP-E	04-02-039	192-310-025	AMD-E	04-02-039	220-48-02900D	NEW-E	04-05-056
192-23-800	REP-E	04-02-039	192-310-030	AMD-E	04-02-039	220-48-03200C	NEW-E	04-05-056
192-23-810	REP-E	04-02-039	192-320-070	AMD-E	04-02-039	220-48-06200C	NEW-E	04-05-056
192-28-105	REP-E	04-02-039	192-320-075	NEW-E	04-02-039	220-49-02000P	NEW-E	04-05-056
192-28-110	REP-E	04-02-039	192-340-100	NEW-E	04-02-039	220-49-05600C	NEW-E	04-05-056
192-28-115	REP-E	04-02-039	196-09	AMD	04-04-001	220-52-04000U	REP-E	04-05-007
192-28-120	REP-E	04-02-039	196-09-010	AMD	04-04-001	220-52-04000V	NEW-E	04-05-007
192-100-010	NEW-E	04-02-039	196-09-050	NEW	04-04-001	220-52-04000V	REP-E	04-05-014
192-100-020	NEW-E	04-02-039	196-09-055	NEW	04-04-001	220-52-04000W	NEW-E	04-05-014
192-100-030	NEW-E	04-02-039	196-09-060	NEW	04-04-001	220-52-04600D	REP-E	04-03-049
192-110-200	NEW-E	04-02-039	196-09-100	NEW	04-04-001	220-52-04600F	REP-E	04-05-007
192-110-210	NEW-E	04-02-039	196-09-110	NEW	04-04-001	220-52-04600G	NEW-E	04-03-049
192-120-050	NEW-E	04-02-039	196-09-120	NEW	04-04-001	220-52-04600H	NEW-E	04-05-007
192-130-060	NEW-E	04-02-039	196-12-005	NEW	04-04-001	220-52-07100D	NEW-E	04-03-031
192-130-065	NEW-E	04-02-039	196-12-010	AMD	04-04-001	220-52-07100D	REP-E	04-05-008
192-130-070	NEW-E	04-02-039	196-12-020	AMD	04-04-001	220-52-07100E	NEW-E	04-05-008

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220- 52-07100F	NEW-E	04-05-045	232- 28-272	AMD-P	04-05-109	246-290-660	AMD	04-04-056
220- 52-07300J	REP-E	04-03-010B	232- 28-273	AMD-P	04-05-111	246-290-664	AMD	04-04-056
220- 52-07300K	NEW-E	04-03-010B	232- 28-282	AMD-P	04-05-111	246-290-666	AMD	04-04-056
220- 52-07300K	REP-E	04-03-074	232- 28-333	AMD-P	04-05-113	246-290-72010	AMD	04-04-056
220- 52-07300L	NEW-E	04-03-074	232- 28-335	AMD-P	04-05-114	246-290-72012	AMD	04-04-056
220- 55-061	NEW-P	04-05-068	232- 28-337	AMD-P	04-05-116	246-808-190	PREP	04-02-064
220- 56-100	AMD-W	04-05-060	232- 28-341	AMD-P	04-05-112	246-808-535	PREP	04-02-064
220- 56-23500S	NEW-E	04-05-057	232- 28-351	AMD-P	04-05-107	246-828-030	REP	04-02-068
220- 56-26700B	NEW-E	04-05-057	232- 28-352	AMD-P	04-05-108	246-828-045	AMD	04-02-068
220- 56-27000S	NEW-E	04-05-057	232- 28-61900G	NEW-E	04-03-047	246-828-055	REP	04-02-068
220- 56-35000Q	NEW-E	04-03-010A	232- 28-61900G	REP-E	04-03-047	246-828-061	REP	04-02-068
220- 56-36000W	NEW-E	04-03-048	232- 28-61900G	REP-E	04-04-028	246-828-070	REP	04-02-068
220- 56-36000W	REP-E	04-03-048	232- 28-61900H	NEW-E	04-04-028	246-828-075	AMD	04-02-068
220- 56-36000X	NEW-E	04-05-100	232- 28-61900H	REP-E	04-04-028	246-828-090	AMD	04-02-068
220- 56-36000X	REP-E	04-05-100	232- 28-61900H	REP-E	04-05-032	246-828-095	AMD	04-02-068
220- 56-38000G	NEW-E	04-03-010A	232- 28-61900I	NEW-E	04-04-060	246-828-100	AMD	04-02-068
220- 56-39000B	NEW-E	04-05-057	232- 28-61900J	NEW-E	04-05-015	246-828-105	AMD	04-02-068
220- 56-41000A	NEW-E	04-05-057	232- 28-61900J	REP-E	04-05-015	246-828-220	AMD	04-02-068
220- 69-241	AMD	04-05-028	232- 28-61900K	NEW-E	04-05-033	246-828-270	AMD	04-02-068
220- 72-011	AMD-P	04-05-069	232- 28-61900K	REP-E	04-05-033	246-828-290	AMD	04-02-068
220- 72-089	AMD-P	04-05-069	232- 28-61900L	NEW-E	04-05-048	246-828-320	AMD	04-02-068
220- 72-090	AMD-P	04-05-069	232- 28-61900L	REP-E	04-05-048	246-828-330	AMD	04-02-068
220- 88B-030	AMD	04-05-027	236- 12-290	AMD-P	04-05-101	246-828-350	AMD	04-02-068
220- 88B-040	AMD	04-05-027	246- 50-001	AMD-W	04-02-066	246-828-500	AMD	04-02-068
220-110-035	PREP	04-04-008	246- 50-005	NEW-W	04-02-066	246-828-550	AMD	04-02-068
220-125-010	AMD	04-05-026	246- 50-010	AMD-W	04-02-066	246-828-990	AMD	04-02-068
222- 08-010	AMD	04-05-122	246- 50-020	AMD-W	04-02-066	246-840-010	AMD-E	04-05-043
222- 08-020	AMD	04-05-122	246- 50-030	AMD-W	04-02-066	246-840-840	AMD-E	04-05-043
222- 08-020	DECOD	04-05-122	246- 50-035	NEW-W	04-02-066	246-840-850	AMD-E	04-05-043
222- 08-030	AMD	04-05-122	246- 50-040	REP-W	04-02-066	246-840-860	AMD-E	04-05-043
222- 08-030	DECOD	04-05-122	246- 50-090	AMD-W	04-02-066	246-840-870	AMD-E	04-05-043
222- 08-035	DECOD	04-05-122	246-232-020	AMD	04-04-055	246-840-880	AMD-E	04-05-043
222- 08-040	AMD	04-05-122	246-232-040	AMD	04-04-055	246-840-890	AMD-E	04-05-043
222- 08-050	NEW	04-05-122	246-232-050	AMD	04-04-055	246-840-900	REP-E	04-05-043
222- 08-060	NEW	04-05-122	246-232-060	AMD	04-04-055	246-840-990	AMD	04-04-054
222- 08-070	NEW	04-05-122	246-233-001	AMD	04-04-055	246-851-570	NEW	04-05-004
222- 08-080	NEW	04-05-122	246-233-005	NEW	04-04-055	246-851-600	NEW	04-05-004
222- 08-090	NEW	04-05-122	246-233-015	NEW	04-04-055	246-887-160	AMD-X	04-03-105
222- 08-100	NEW	04-05-122	246-233-020	AMD	04-04-055	246-915-085	AMD-P	04-03-104
222- 08-120	NEW	04-05-122	246-233-025	NEW	04-04-055	246-915-182	NEW-P	04-03-119
222- 08-130	NEW	04-05-122	246-233-030	NEW	04-04-055	246-915-210	AMD-P	04-03-107
222- 08-140	RECOD	04-05-122	246-233-035	NEW	04-04-055	246-915-220	AMD-P	04-03-107
222- 08-150	RECOD	04-05-122	246-233-040	NEW	04-04-055	246-915-230	AMD-P	04-03-107
222- 08-160	RECOD	04-05-122	246-235-093	AMD	04-04-055	246-915-240	AMD-P	04-03-107
222- 12-090	AMD	04-05-087	246-235-095	AMD	04-04-055	246-915-250	AMD-P	04-03-107
222- 16-010	AMD	04-05-087	246-235-097	AMD	04-04-055	246-915-260	AMD-P	04-03-107
230- 04-124	AMD-W	04-05-059	246-239-080	AMD	04-04-055	246-915-270	AMD-P	04-03-107
230- 04-192	REP-P	04-05-078	246-247-075	AMD-W	04-02-067	246-915-280	AMD-P	04-03-107
230- 04-196	REP-P	04-05-078	246-247-110	AMD-W	04-02-067	246-918-120	AMD-P	04-05-044
230- 30-072	AMD-P	04-02-045	246-247-120	AMD-W	04-02-067	246-919-110	AMD	04-04-067
230- 40-070	PREP	04-04-061	246-247-130	AMD-W	04-02-067	246-919-320	AMD	04-04-067
230- 40-120	AMD-C	04-04-036	246-254-090	AMD	04-04-055	246-919-330	AMD-W	04-04-078
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232- 12-005	NEW-P	04-05-099	246-290-010	AMD	04-04-056	246-919-480	PREP	04-03-106
232- 12-014	AMD-P	04-05-110	246-290-025	AMD	04-04-056	250- 20-041	AMD-P	04-03-108
232- 12-047	AMD-P	04-05-106	246-290-130	AMD	04-04-056	260- 08-600	REP	04-05-089
232- 12-054	AMD-P	04-05-106	246-290-300	AMD	04-04-056	260- 08-610	REP	04-05-089
232- 12-064	AMD-P	04-05-099	246-290-310	AMD	04-04-056	260- 08-620	AMD	04-05-089
232- 12-271	AMD-P	04-05-099	246-290-320	AMD	04-04-056	260- 08-630	AMD	04-05-089
232- 12-828	AMD-P	04-05-106	246-290-480	AMD	04-04-056	260- 08-640	REP	04-05-089
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260-14-010	AMD	04-05-090	296-23-327	NEW	04-04-029	296-24-19003	REP-P	04-03-085
260-16-065	NEW	04-05-091	296-23-332	NEW	04-04-029	296-24-19005	REP-P	04-03-085
260-24-650	AMD-P	04-04-045	296-23-337	NEW	04-04-029	296-24-19007	REP-P	04-03-085
260-28-140	REP	04-05-092	296-23-342	NEW	04-04-029	296-24-19009	REP-P	04-03-085
260-36-120	AMD-P	04-04-046	296-23-347	NEW	04-04-029	296-24-19011	REP-P	04-03-085
260-40-100	AMD-P	04-05-088	296-23-352	NEW	04-04-029	296-24-19013	REP-P	04-03-085
260-40-160	AMD-P	04-04-047	296-23-357	NEW	04-04-029	296-24-19015	REP-P	04-03-085
260-48-620	AMD-P	04-04-048	296-23-362	NEW	04-04-029	296-24-195	REP-P	04-03-085
260-48-890	AMD-P	04-04-048	296-23-367	NEW	04-04-029	296-24-19501	REP-P	04-03-085
260-48-900	AMD-P	04-04-048	296-23-372	NEW	04-04-029	296-24-19503	REP-P	04-03-085
260-48-910	AMD-P	04-04-048	296-23-377	NEW	04-04-029	296-24-19505	REP-P	04-03-085
260-60-350	AMD	04-05-093	296-23-381	NEW	04-04-029	296-24-19507	REP-P	04-03-085
260-60-360	AMD	04-05-093	296-23-382	NEW	04-04-029	296-24-19509	REP-P	04-03-085
260-70-545	NEW	04-05-094	296-23-387	NEW	04-04-029	296-24-19511	REP-P	04-03-085
260-70-630	AMD	04-05-095	296-23-392	NEW	04-04-029	296-24-19513	REP-P	04-03-085
260-88-010	AMD	04-05-096	296-24	PREP	04-05-074	296-24-19514	REP-P	04-03-085
284-74-400	NEW	04-04-070	296-24-110	REP-P	04-03-102	296-24-19517	REP-P	04-03-085
284-74-410	NEW	04-04-070	296-24-11001	REP-P	04-03-102	296-24-197	REP-P	04-03-085
284-74-420	NEW	04-04-070	296-24-11003	REP-P	04-03-102	296-24-200	REP-P	04-03-085
284-74-430	NEW	04-04-070	296-24-11005	REP-P	04-03-102	296-24-20001	REP-P	04-03-085
284-74-440	NEW	04-04-070	296-24-11007	REP-P	04-03-102	296-24-20003	REP-P	04-03-085
284-74-450	NEW	04-04-070	296-24-11009	REP-P	04-03-102	296-24-20005	REP-P	04-03-085
284-74-460	NEW	04-04-070	296-24-11011	REP-P	04-03-102	296-24-20007	REP-P	04-03-085
287-01-030	AMD	04-03-114	296-24-11013	REP-P	04-03-102	296-24-20009	REP-P	04-03-085
287-02-030	AMD	04-03-114	296-24-11015	REP-P	04-03-102	296-24-20011	REP-P	04-03-085
287-02-130	AMD	04-03-114	296-24-11017	REP-P	04-03-102	296-24-20013	REP-P	04-03-085
296-05-007	AMD-P	04-04-014	296-24-119	REP-P	04-03-102	296-24-20015	REP-P	04-03-085
296-05-008	NEW-P	04-04-014	296-24-150	REP-P	04-03-085	296-24-20017	REP-P	04-03-085
296-17	PREP	04-04-098	296-24-15001	REP-P	04-03-085	296-24-20019	REP-P	04-03-085
296-17	PREP	04-04-100	296-24-15003	REP-P	04-03-085	296-24-20021	REP-P	04-03-085
296-19A-210	AMD-S	04-03-035	296-24-15005	REP-P	04-03-085	296-24-205	REP-P	04-03-085
296-19A-480	AMD-S	04-03-035	296-24-15007	REP-P	04-03-085	296-24-20501	REP-P	04-03-085
296-20-01002	AMD-P	04-03-082	296-24-15009	REP-P	04-03-085	296-24-20503	REP-P	04-03-085
296-20-02704	AMD-P	04-03-082	296-24-165	REP-P	04-03-085	296-24-20505	REP-P	04-03-085
296-20-02705	AMD-P	04-03-082	296-24-16501	REP-P	04-03-085	296-24-20507	REP-P	04-03-085
296-20-03011	AMD-P	04-03-082	296-24-16503	REP-P	04-03-085	296-24-20509	REP-P	04-03-085
296-20-03012	AMD-P	04-03-082	296-24-16505	REP-P	04-03-085	296-24-20511	REP-P	04-03-085
296-20-135	AMD-P	04-05-075	296-24-16507	REP-P	04-03-085	296-24-20513	REP-P	04-03-085
296-20-200	AMD	04-04-029	296-24-16509	REP-P	04-03-085	296-24-20515	REP-P	04-03-085
296-20-2010	NEW	04-04-029	296-24-16511	REP-P	04-03-085	296-24-20517	REP-P	04-03-085
296-20-2015	NEW	04-04-029	296-24-16513	REP-P	04-03-085	296-24-20519	REP-P	04-03-085
296-20-2025	NEW	04-04-029	296-24-16515	REP-P	04-03-085	296-24-20521	REP-P	04-03-085
296-20-2030	NEW	04-04-029	296-24-16517	REP-P	04-03-085	296-24-20523	REP-P	04-03-085
296-20-210	REP	04-04-029	296-24-16519	REP-P	04-03-085	296-24-20525	REP-P	04-03-085
296-23-220	AMD-P	04-05-075	296-24-16521	REP-P	04-03-085	296-24-20527	REP-P	04-03-085
296-23-230	AMD-P	04-05-075	296-24-16523	REP-P	04-03-085	296-24-20529	REP-P	04-03-085
296-23-255	REP	04-04-029	296-24-16525	REP-P	04-03-085	296-24-20531	REP-P	04-03-085
296-23-260	REP	04-04-029	296-24-16527	REP-P	04-03-085	296-24-20533	REP-P	04-03-085
296-23-265	REP	04-04-029	296-24-16529	REP-P	04-03-085	296-24-20699	REP-P	04-03-085
296-23-26501	REP	04-04-029	296-24-16531	REP-P	04-03-085	296-24-20700	REP-P	04-03-085
296-23-26502	REP	04-04-029	296-24-16533	REP-P	04-03-085	296-24-20710	REP-P	04-03-085
296-23-26503	REP	04-04-029	296-24-16535	REP-P	04-03-085	296-24-20720	REP-P	04-03-085
296-23-26504	REP	04-04-029	296-24-16537	REP-P	04-03-085	296-24-20730	REP-P	04-03-085
296-23-26505	REP	04-04-029	296-24-16539	REP-P	04-03-085	296-24-69003	AMD-P	04-03-085
296-23-26506	REP	04-04-029	296-24-180	REP-P	04-03-085	296-24-88020	AMD-P	04-03-085
296-23-267	REP	04-04-029	296-24-18001	REP-P	04-03-085	296-24-90003	AMD-P	04-03-085
296-23-270	REP	04-04-029	296-24-18003	REP-P	04-03-085	296-24-975	AMD-P	04-03-102
296-23-302	NEW	04-04-029	296-24-18005	REP-P	04-03-085	296-30-081	PREP	04-04-099
296-23-307	NEW	04-04-029	296-24-18007	REP-P	04-03-085	296-45-175	AMD-P	04-03-102
296-23-312	NEW	04-04-029	296-24-18009	REP-P	04-03-085	296-54-573	AMD-P	04-03-085
296-23-317	NEW	04-04-029	296-24-190	REP-P	04-03-085	296-54-57310	AMD-P	04-03-102

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296- 56-60115	AMD-X	04-05-072	296-302-06513	REP-P	04-03-085	296-806-20034	NEW-P	04-03-085
296- 56-60243	AMD-X	04-05-072	296-302-06515	REP-P	04-03-085	296-806-20036	NEW-P	04-03-085
296- 59-130	AMD-P	04-03-085	296-302-06517	REP-P	04-03-085	296-806-20038	NEW-P	04-03-085
296- 62	PREP	04-05-073	296-302-06519	REP-P	04-03-085	296-806-20040	NEW-P	04-03-085
296- 62-141	AMD	04-03-081	296-302-06521	REP-P	04-03-085	296-806-20042	NEW-P	04-03-085
296- 62-300	AMD	04-02-053	296-302-06523	REP-P	04-03-085	296-806-20044	NEW-P	04-03-085
296- 65	PREP	04-05-073	296-302-06525	REP-P	04-03-085	296-806-20046	NEW-P	04-03-085
296- 78-56511	AMD-P	04-03-085	296-302-06527	REP-P	04-03-085	296-806-20048	NEW-P	04-03-085
296- 78-590	AMD-P	04-03-085	296-302-06529	REP-P	04-03-085	296-806-20050	NEW-P	04-03-085
296- 78-605	AMD-P	04-03-085	296-302-06531	REP-P	04-03-085	296-806-20052	NEW-P	04-03-085
296- 78-615	AMD-P	04-03-085	296-303-030	AMD-P	04-03-085	296-806-20054	NEW-P	04-03-085
296- 78-650	AMD-P	04-03-085	296-305-06519	AMD-P	04-03-085	296-806-20056	NEW-P	04-03-085
296- 78-660	AMD-P	04-03-085	296-803-100	NEW-P	04-03-102	296-806-20058	NEW-P	04-03-085
296- 78-665	AMD-P	04-03-085	296-803-200	NEW-P	04-03-102	296-806-300	NEW-P	04-03-085
296- 78-690	AMD-P	04-03-085	296-803-20005	NEW-P	04-03-102	296-806-30002	NEW-P	04-03-085
296- 78-70503	AMD-P	04-03-085	296-803-300	NEW-P	04-03-102	296-806-30004	NEW-P	04-03-085
296- 78-71007	AMD-P	04-03-085	296-803-30005	NEW-P	04-03-102	296-806-30006	NEW-P	04-03-085
296- 78-71017	AMD-P	04-03-085	296-803-400	NEW-P	04-03-102	296-806-30008	NEW-P	04-03-085
296- 78-71505	AMD-P	04-03-085	296-803-40005	NEW-P	04-03-102	296-806-30010	NEW-P	04-03-085
296- 79-030	AMD-P	04-03-085	296-803-40010	NEW-P	04-03-102	296-806-30012	NEW-P	04-03-085
296- 79-220	AMD-P	04-03-102	296-803-40015	NEW-P	04-03-102	296-806-30014	NEW-P	04-03-085
296-115-050	AMD-P	04-03-085	296-803-40020	NEW-P	04-03-102	296-806-30016	NEW-P	04-03-085
296-127-011	AMD-X	04-03-083	296-803-500	NEW-P	04-03-102	296-806-30018	NEW-P	04-03-085
296-155	PREP	04-03-084	296-803-50005	NEW-P	04-03-102	296-806-30020	NEW-P	04-03-085
296-155	PREP	04-05-074	296-803-50010	NEW-P	04-03-102	296-806-30022	NEW-P	04-03-085
296-155-429	AMD-P	04-03-102	296-803-50015	NEW-P	04-03-102	296-806-30024	NEW-P	04-03-085
296-155-487	AMD-P	04-03-085	296-803-50020	NEW-P	04-03-102	296-806-30026	NEW-P	04-03-085
296-155-488	AMD-P	04-03-085	296-803-50025	NEW-P	04-03-102	296-806-30028	NEW-P	04-03-085
296-155-525	AMD-P	04-03-085	296-803-50030	NEW-P	04-03-102	296-806-30030	NEW-P	04-03-085
296-155-682	AMD-P	04-03-085	296-803-50035	NEW-P	04-03-102	296-806-30032	NEW-P	04-03-085
296-301-020	AMD-P	04-03-085	296-803-50040	NEW-P	04-03-102	296-806-30034	NEW-P	04-03-085
296-301-170	AMD-P	04-03-085	296-803-50045	NEW-P	04-03-102	296-806-30036	NEW-P	04-03-085
296-302-010	REP-P	04-03-085	296-803-50050	NEW-P	04-03-102	296-806-30038	NEW-P	04-03-085
296-302-015	REP-P	04-03-085	296-803-50055	NEW-P	04-03-102	296-806-400	NEW-P	04-03-085
296-302-020	REP-P	04-03-085	296-803-50060	NEW-P	04-03-102	296-806-405	NEW-P	04-03-085
296-302-025	REP-P	04-03-085	296-803-600	NEW-P	04-03-102	296-806-40502	NEW-P	04-03-085
296-302-02501	REP-P	04-03-085	296-803-60005	NEW-P	04-03-102	296-806-40504	NEW-P	04-03-085
296-302-02503	REP-P	04-03-085	296-803-60010	NEW-P	04-03-102	296-806-40506	NEW-P	04-03-085
296-302-02505	REP-P	04-03-085	296-803-60015	NEW-P	04-03-102	296-806-40508	NEW-P	04-03-085
296-302-02507	REP-P	04-03-085	296-803-700	NEW-P	04-03-102	296-806-40510	NEW-P	04-03-085
296-302-02509	REP-P	04-03-085	296-803-70005	NEW-P	04-03-102	296-806-40512	NEW-P	04-03-085
296-302-02511	REP-P	04-03-085	296-803-70010	NEW-P	04-03-102	296-806-40514	NEW-P	04-03-085
296-302-02513	REP-P	04-03-085	296-803-70015	NEW-P	04-03-102	296-806-40516	NEW-P	04-03-085
296-302-02515	REP-P	04-03-085	296-803-800	NEW-P	04-03-102	296-806-40518	NEW-P	04-03-085
296-302-02517	REP-P	04-03-085	296-806-100	NEW-P	04-03-085	296-806-40520	NEW-P	04-03-085
296-302-02519	REP-P	04-03-085	296-806-200	NEW-P	04-03-085	296-806-40522	NEW-P	04-03-085
296-302-03001	REP-P	04-03-085	296-806-20002	NEW-P	04-03-085	296-806-40524	NEW-P	04-03-085
296-302-03003	REP-P	04-03-085	296-806-20004	NEW-P	04-03-085	296-806-40526	NEW-P	04-03-085
296-302-035	REP-P	04-03-085	296-806-20006	NEW-P	04-03-085	296-806-410	NEW-P	04-03-085
296-302-040	REP-P	04-03-085	296-806-20008	NEW-P	04-03-085	296-806-41002	NEW-P	04-03-085
296-302-045	REP-P	04-03-085	296-806-20010	NEW-P	04-03-085	296-806-41004	NEW-P	04-03-085
296-302-050	REP-P	04-03-085	296-806-20012	NEW-P	04-03-085	296-806-415	NEW-P	04-03-085
296-302-05501	REP-P	04-03-085	296-806-20014	NEW-P	04-03-085	296-806-41502	NEW-P	04-03-085
296-302-05503	REP-P	04-03-085	296-806-20016	NEW-P	04-03-085	296-806-41504	NEW-P	04-03-085
296-302-060	REP-P	04-03-085	296-806-20018	NEW-P	04-03-085	296-806-41506	NEW-P	04-03-085
296-302-065	REP-P	04-03-085	296-806-20020	NEW-P	04-03-085	296-806-41508	NEW-P	04-03-085
296-302-06501	REP-P	04-03-085	296-806-20022	NEW-P	04-03-085	296-806-420	NEW-P	04-03-085
296-302-06503	REP-P	04-03-085	296-806-20024	NEW-P	04-03-085	296-806-42002	NEW-P	04-03-085
296-302-06505	REP-P	04-03-085	296-806-20026	NEW-P	04-03-085	296-806-42004	NEW-P	04-03-085
296-302-06507	REP-P	04-03-085	296-806-20028	NEW-P	04-03-085	296-806-42006	NEW-P	04-03-085
296-302-06509	REP-P	04-03-085	296-806-20030	NEW-P	04-03-085	296-806-42008	NEW-P	04-03-085
296-302-06511	REP-P	04-03-085	296-806-20032	NEW-P	04-03-085	296-806-42010	NEW-P	04-03-085

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296-806-48068	NEW-P	04-03-085	296-843-170	NEW	04-02-053	308-127-225	AMD-P	04-05-098
296-806-48070	NEW-P	04-03-085	296-843-17005	NEW	04-02-053	308-420-200	AMD-P	04-05-097
296-806-48072	NEW-P	04-03-085	296-843-180	NEW	04-02-053	314- 02-105	AMD-P	04-02-075
296-806-48074	NEW-P	04-03-085	296-843-18005	NEW	04-02-053	314- 17	PREP	04-02-074
296-806-48076	NEW-P	04-03-085	296-843-18010	NEW	04-02-053	326- 02-010	AMD-P	04-02-043
296-806-48078	NEW-P	04-03-085	296-843-18015	NEW	04-02-053	326- 02-030	AMD-P	04-02-043
296-806-48080	NEW-P	04-03-085	296-843-18020	NEW	04-02-053	326- 02-040	AMD-P	04-02-043
296-806-48082	NEW-P	04-03-085	296-843-190	NEW	04-02-053	326- 02-045	AMD-P	04-02-043
296-806-48084	NEW-P	04-03-085	296-843-19005	NEW	04-02-053	326- 07-030	AMD-P	04-02-043
296-806-48086	NEW-P	04-03-085	296-843-200	NEW	04-02-053	326- 20-010	AMD-P	04-02-043
296-806-48088	NEW-P	04-03-085	296-843-20005	NEW	04-02-053	326- 20-045	NEW-P	04-02-043
296-806-485	NEW-P	04-03-085	296-843-20010	NEW	04-02-053	326- 20-046	NEW-P	04-02-043
296-806-48502	NEW-P	04-03-085	296-843-20015	NEW	04-02-053	326- 20-047	NEW-P	04-02-043
296-806-500	NEW-P	04-03-085	296-843-20020	NEW	04-02-053	326- 20-048	NEW-P	04-02-043
296-809-100	NEW	04-03-081	296-843-20025	NEW	04-02-053	326- 20-050	AMD-P	04-02-043
296-809-200	NEW	04-03-081	296-843-20030	NEW	04-02-053	326- 20-070	AMD-P	04-02-043
296-809-20002	NEW	04-03-081	296-843-20035	NEW	04-02-053	326- 20-080	AMD-P	04-02-043
296-809-20004	NEW	04-03-081	296-843-210	NEW	04-02-053	326- 20-092	AMD-P	04-02-041
296-809-20006	NEW	04-03-081	296-843-21005	NEW	04-02-053	326- 20-094	AMD-P	04-02-041
296-809-300	NEW	04-03-081	296-843-220	NEW	04-02-053	326- 20-095	AMD-P	04-02-041
296-809-30002	NEW	04-03-081	296-843-22005	NEW	04-02-053	326- 20-096	AMD-P	04-02-041
296-809-30004	NEW	04-03-081	296-843-22010	NEW	04-02-053	326- 20-098	AMD-P	04-02-041
296-809-400	NEW	04-03-081	296-843-300	NEW	04-02-053	326- 20-098	AMD-P	04-02-041
296-809-40002	NEW	04-03-081	308- 15	PREP	04-04-050	326- 20-110	AMD-P	04-02-043
296-809-40004	NEW	04-03-081	308- 20-010	AMD	04-05-005	326- 20-120	AMD-P	04-02-043
296-809-500	NEW	04-03-081	308- 20-040	AMD	04-05-005	326- 20-125	AMD-P	04-02-042
296-809-50002	NEW	04-03-081	308- 20-055	NEW	04-05-005	326- 20-160	AMD-P	04-02-043
296-809-50004	NEW	04-03-081	308- 20-090	AMD	04-05-005	326- 20-173	AMD-P	04-02-043
296-809-50006	NEW	04-03-081	308- 20-101	NEW	04-05-005	326- 20-180	AMD-P	04-02-043
296-809-50008	NEW	04-03-081	308- 20-110	AMD	04-05-005	332-130-100	AMD-X	04-05-030
296-809-50010	NEW	04-03-081	308- 20-110	AMD	04-05-005	357- 10-005	NEW-P	04-04-109
296-809-50012	NEW	04-03-081	308- 20-550	AMD	04-05-005	357- 10-010	NEW-P	04-04-109
296-809-50014	NEW	04-03-081	308- 20-555	NEW	04-05-005	357- 10-020	NEW-P	04-04-109
296-809-50016	NEW	04-03-081	308- 56A	PREP	04-05-121	365-230-010	NEW-P	04-05-062
296-809-50018	NEW	04-03-081	308- 56A-020	AMD-P	04-04-006	365-230-015	NEW-P	04-05-062
296-809-50020	NEW	04-03-081	308- 56A-030	AMD-P	04-03-120	365-230-016	NEW-P	04-05-062
296-809-50022	NEW	04-03-081	308- 56A-040	AMD-P	04-03-120	365-230-016	NEW-P	04-05-062
296-809-50024	NEW	04-03-081	308- 56A-140	AMD-P	04-04-006	365-230-020	NEW-P	04-05-062
296-809-600	NEW	04-03-081	308- 56A-150	AMD-P	04-04-022	365-230-030	NEW-P	04-05-062
296-809-60002	NEW	04-03-081	308- 56A-450	AMD-P	04-04-022	365-230-035	NEW-P	04-05-062
296-809-60004	NEW	04-03-081	308- 56A-455	AMD-P	04-04-006	365-230-040	NEW-P	04-05-062
296-809-700	NEW	04-03-081	308- 56A-460	AMD-P	04-04-006	365-230-050	NEW-P	04-05-062
296-809-70002	NEW	04-03-081	308- 56A-460	AMD-P	04-04-006	365-230-060	NEW-P	04-05-062
296-809-70004	NEW	04-03-081	308- 56A-500	AMD-P	04-04-049	365-230-060	NEW-P	04-05-062
296-809-800	NEW	04-03-081	308- 56A-500	AMD-P	04-04-049	365-230-070	NEW-P	04-05-062
296-843-100	NEW	04-02-053	308- 56A-505	AMD-P	04-04-049	365-230-080	NEW-P	04-05-062
296-843-110	NEW	04-02-053	308- 56A-640	AMD	04-03-016	365-230-090	NEW-P	04-05-062
296-843-11005	NEW	04-02-053	308- 96A	PREP	04-03-002	365-230-100	NEW-P	04-05-062
296-843-11010	NEW	04-02-053	308- 96A	PREP	04-03-003	365-230-110	NEW-P	04-05-062
296-843-120	NEW	04-02-053	308- 96A-005	PREP	04-03-002	365-230-120	NEW-P	04-05-062
296-843-12005	NEW	04-02-053	308- 96A-021	AMD-P	04-03-121	365-230-130	NEW-P	04-05-062
296-843-130	NEW	04-02-053	308- 96A-026	AMD-P	04-04-022	365-230-132	NEW-P	04-05-062
296-843-13005	NEW	04-02-053	308- 96A-072	AMD-P	04-03-121	365-230-134	NEW-P	04-05-062
296-843-13010	NEW	04-02-053	308- 96A-074	AMD-P	04-03-121	365-230-140	NEW-P	04-05-062
296-843-140	NEW	04-02-053	308- 96A-311	PREP	04-03-003	365-230-150	NEW-P	04-05-062
296-843-14005	NEW	04-02-053	308- 96A-550	AMD-P	04-03-121	365-230-160	NEW-P	04-05-062
296-843-150	NEW	04-02-053	308- 96A-550	AMD-P	04-03-121	365-230-160	NEW-P	04-05-062
296-843-15005	NEW	04-02-053	308- 96A-560	AMD-P	04-03-121	365-230-170	NEW-P	04-05-062
296-843-15010	NEW	04-02-053	308-124A-025	AMD-P	04-03-039	365-230-180	NEW-P	04-05-062
296-843-15015	NEW	04-02-053	308-124A-110	AMD-P	04-03-039	365-230-190	NEW-P	04-05-062
296-843-160	NEW	04-02-053	308-124A-440	AMD-P	04-03-039	365-230-200	NEW-P	04-05-062
296-843-16005	NEW	04-02-053	308-124C-030	AMD-P	04-03-037	365-230-210	NEW-P	04-05-062
			308-124D-030	AMD-P	04-03-038	365-230-220	NEW-P	04-05-062
			308-125-200	AMD	04-04-052	365-230-230	NEW-P	04-05-062
			308-127-140	AMD-P	04-05-098	365-230-240	NEW-P	04-05-062
			308-127-160	AMD-P	04-05-098	365-230-250	NEW-P	04-05-062





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388-148-0120	AMD-E	04-05-035	388-148-0460	AMD-E	04-05-035	388-148-0830	AMD-P	04-03-116
388-148-0125	AMD-P	04-03-116	388-148-0462	NEW-E	04-05-035	388-148-0860	AMD-P	04-03-116
388-148-0125	AMD-E	04-05-035	388-148-0470	AMD-P	04-03-116	388-148-0870	AMD-P	04-03-116
388-148-0127	NEW-P	04-03-116	388-148-0480	AMD-P	04-03-116	388-148-0875	AMD-P	04-03-116
388-148-0130	AMD-P	04-03-116	388-148-0485	AMD-P	04-03-116	388-148-0880	AMD-P	04-03-116
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388-148-0140	AMD-P	04-03-116	388-148-0488	NEW-P	04-03-116	388-148-0885	AMD-P	04-03-116
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388-532-510	NEW	04-05-011	388-820-330	AMD	04-04-043	434-12-040	REP	04-05-041
388-532-520	NEW	04-05-011	388-820-340	AMD	04-04-043	434-12-050	REP	04-05-041
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388-533-0325	NEW-P	04-05-083	388-820-600	AMD	04-04-043	434-12-130	REP	04-05-041
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388-533-0360	NEW-P	04-05-083	388-865-0465	AMD-P	04-05-081	434-12-180	REP	04-05-041
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388-533-0390	NEW-P	04-05-083	392-140-630	AMD-P	04-04-005	434-110-090	REP	04-04-018
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