

WSR 06-19-006
PERMANENT RULES
COLUMBIA BASIN COLLEGE

[Filed September 7, 2006, 11:38 a.m., effective October 8, 2006]

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

Purpose: To address the student as a member of the campus community and define expectations of conduct, processing of all actions of misconduct with appeal mechanisms, and disciplinary actions.

Citation of Existing Rules Affected by this Order: Repealing WAC 132S-40-160, 132S-40-165, 132S-40-170, 132S-40-175, 132S-40-180, 132S-40-185, and 132S-40-190.

Statutory Authority for Adoption: RCW 28B.50.140.

Adopted under notice filed as WSR 06-11-028 on May 8, 2006.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 13, Amended 0, Repealed 7.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 25, 2006.

Richard Cummins
Acting President

**CODE OF STUDENT RIGHTS
AND RESPONSIBILITIES**

NEW SECTION

WAC 132S-40-300 Preamble. The effectiveness of the educational process depends upon the provision of appropriate conditions and opportunities for learning in an environment that is supportive of diversity among ideas, cultures, and student characteristics. A responsibility to secure, respect, and protect such opportunities and conditions is shared by all members of the academic community, including students.

The primacy of the faculty's role and its unquestionable centrality in the educational process must be recognized and preserved. The primary educational purpose of Columbia Basin College (herein referred to as CBC or the college) - its intellectual content and integrity - is the responsibility of the faculty.

Each right of an individual places a reciprocal duty upon others; the duty to permit the individual to exercise the right. As a member of the academic community, the student has both rights and responsibilities, the most essential right being the right to learn. The college has a duty to provide for the student those privileges, opportunities, and protections which

best promote the learning process in all its aspects. The student also has duties to other members of the academic community, the most important of which is to refrain from interference with the rights of others which are equally essential to the purposes and processes of the college.

As an agency of the state of Washington, CBC must respect and adhere to all laws established by local, state, and federal authorities. CBC has developed a set of regulations to assure the orderly conduct of the affairs of the college.

NEW SECTION

WAC 132S-40-310 Definitions. Assembly - Any overt activity engaged in by one or more persons, the object of which is to gain publicity, advocate a view, petition for a cause or disseminate information to any person, persons or group of persons.

Board - The board of trustees of Community College District No. 19, state of Washington.

Brief adjudicative hearing - A hearing which complies with the provisions of RCW 34.05.482 and is available in cases of student-athlete ineligibility, residency determination, parking fines, and outstanding student debt.

Chief student services officer - That person designed by the college president to be responsible for the student services division of the college, including the administration of the code of student rights and responsibilities or, in such person's absence, the acting CSSO or other appointed designee.

College - Columbia Basin College, established within Community College District No. 19, state of Washington.

College facilities - Any and all real property controlled or operated by the college, including all buildings and appurtenances affixed thereon or attached thereto.

College premises - All land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the college, including adjacent streets and sidewalks.

Disciplinary action - The reprimand, suspension, or expulsion of any student pursuant to WAC 132S-40-380 for the violation of any designated rule or regulation of the college, including rules of student conduct, for which a student is subject to adverse action.

Drugs - Any narcotic drug and any dangerous drug as defined in Washington statute (chapter 69.41 RCW) as now law or hereafter amended.

Hazing - Any method of initiation into a student club or organization, or any pastime or amusement engaged in with respect to such a group or organization that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student or other person attending the college as described in Washington statute (RCW 28B.10.900).

Instructional day - Any regularly scheduled instructional day designated in the academic year calendar, including summer quarter, as a day when classes are held or during final examination week. Saturdays and Sundays are not regularly scheduled instructional days.

Liquor - The definition of liquor as contained in Washington statute (RCW 66.04.010(21)) as now law or hereafter amended.

Policy - The written regulations of the college as found in, but not limited to, the code of student rights and responsibilities, the college catalog, quarterly class schedules, the college web pages, the electronic communications policy, the academic honesty handbook, and various program handbooks.

President - The chief executive officer appointed by the board of trustees or, in such president's absence, the acting president.

Rules of student conduct - The rules contained herein as now exist or which may be hereafter amended, the violation of which subject a student to disciplinary action.

Student - Any person taking courses or any other educational offerings at Columbia Basin College, either full-time or part-time. If a student withdraws after allegedly violating the code of student rights and responsibilities but prior to the college reaching a disciplinary decision in the matter, the college shall place the investigation results in the individual's file for consideration should the individual submit a reapplication for admittance to the college.

Student conduct board - The hearing panel as set forth herein.

NEW SECTION

WAC 132S-40-320 Student rights. The following enumerated rights which are deemed necessary to achieve the educational goals of the college are guaranteed to each student within the limitations of statutory law and college policy:

- (1) Academic freedom.
 - (a) Students have the right to pursue educational objectives from among the college's curricula, programs, and services subject to the provisions of this chapter.
 - (b) Students have the right to a learning environment that is free from unlawful and/or discriminatory actions.
 - (c) Students have the right to present their own views, even though they may differ from those held by faculty members, and will not be subject to adverse action by faculty when such views are expressed in a manner that does not interfere with the rights of others.
 - (d) Students are protected from academic evaluations which are arbitrary, prejudiced, or capricious.
- (2) Admission requirements. Columbia Basin College operates under an open door admission policy and grants admission to applicants who are eighteen years of age and/or graduated from high schools accredited by a regional accrediting association or who have a GED certificate. Home school graduates and graduates from nonaccredited high schools are admitted based on course placement assessment scores.
 - (a) Applicants who do not meet CBC's admission requirements will be considered for admission upon request by the admissions/graduation committee.
 - (b) Students under sixteen years of age will not be admitted, except where such students are qualified "running start" students pursuant to chapter 392-169 WAC and provided that such admission is not inconsistent with the best interests of the applicant, other students, or the orderly operation of the college.

(c) Admission to CBC does not guarantee admission to all degree or certificate programs. Students should consult the catalog for admission requirements in specific programs.

(3) Due process.

(a) No disciplinary sanctions may be imposed upon any student without notice to the accused of the nature of the charges.

(b) Once notified of the charges, the accused student is entitled to explain his/her version of the facts in response, explanation, and defense of the allegation(s) and is entitled to the other procedures as specified herein.

(4) Distribution and posting of printed material. Students may distribute or post printed material subject to official procedures available in the office of student programs.

(5) Freedom of assembly. Students may conduct or may participate in any assembly on college facilities which are generally available to the public provided such assemblies:

(a) Are conducted in an orderly manner.

(b) Do not unreasonably interfere with vehicular or pedestrian traffic.

(c) Do not unreasonably interfere with classes, scheduled meetings or ceremonies, or with the general educational process of the college.

(d) Do not unreasonably interfere with regular college functions.

(e) Do not cause destruction or damage to college property.

(6) Freedom of association and organization. Students are free to organize and join associations to promote any legal purpose. Student clubs and organizations must be granted a charter by the associated students of Columbia Basin College (herein referred to as ASCBC) before they may be officially recognized.

(7) Nondiscrimination. Students have the right not to be discriminated against on the basis of age, color, creed, disability, sex, marital status, national origin or ancestry, race, religion, sexual orientation, or veteran status.

(8) Use and maintenance of education records. Students have the right to maintain confidentiality of records and access to records as outlined in college policy. The Family Educational Rights and Privacy Act (herein referred to as FERPA) affords students certain rights with respect to their education records. These rights include:

(a) The right to inspect and review the student's education records within forty-five days of the day the college received a request for access.

(b) The right to request an amendment of the student's education records the student believes are inaccurate.

(c) The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

(d) The right to file a complaint with the U.S. Department of Education concerning alleged failure by the college to comply with the requirements of FERPA.

(9) Use of college facilities. Any recognized ASCBC club or organization may request use of available college facilities for authorized activities. The use of facilities for purposes other than what has been approved or in an irresponsible manner, may result in withdrawal of this privilege.

NEW SECTION

WAC 132S-40-330 Student responsibilities. Students who choose to attend Columbia Basin College also choose to participate actively in the learning process offered by the college. The college is responsible for providing its students with an educational environment that includes resources used by students to attain their educational goals. In return each student is responsible to:

- (1) Participate actively in the learning process, both in and out of the classroom.
- (2) Seek timely assistance in meeting educational goals.
- (3) Attend all class sessions.
- (4) Prepare adequately to participate fully in class activities.
- (5) Meet the standards of academic performance established by each instructor.
- (6) Develop skills required for learning; e.g., basic skills, time management, and study skills.
- (7) Assume final authority for the selection of appropriate educational goals.
- (8) Select courses appropriate for meeting chosen educational goals.
- (9) Make appropriate use of services and resources.
- (10) Contribute towards improving the college.
- (11) Become knowledgeable of and adhere to the college's policies, practices, and procedures.
- (12) Abide by the standards set forth in the code of conduct.

NEW SECTION

WAC 132S-40-340 Student code authority. The chief student services officer (herein referred to as the CSSO) will develop policies for the administration of the student conduct system as well as procedural rules for the conduct of student conduct board hearings that are consistent with the provisions of the code of student rights and responsibilities (herein referred to as the code) as specified herein.

NEW SECTION

WAC 132S-40-350 Proscribed conduct. (1) Jurisdiction of the code of student rights and responsibilities. The Columbia Basin College code of student rights and responsibilities will apply to conduct that occurs on college premises and at college-sponsored events and activities. The code of student rights and responsibilities also applies to actions occurring off campus which are violations or alleged violations of local, state, or federal law and which also violate the code of student rights and responsibilities. Such allegations or violations of off-campus violations can be the subject of college disciplinary action only if the CSSO determines disciplinary action is necessary for the protection of other members of the college community or property of the college community, or that the off-campus conduct adversely affects the college community and/or the pursuit of the college's objectives. Each student will be responsible for his/her conduct from the time of enrollment through their severance of a relationship with the college (e.g., the actual awarding of a degree or certificate), even though conduct may occur before

classes begin or after classes end, as well as during the academic year. The CSSO will decide whether the code will be applied to conduct occurring off-campus, on a case-by-case basis, at his/her sole discretion.

(2) Conduct - Rules and regulations. The voluntary attendance of a student at Columbia Basin College is a voluntary entrance into the academic community. By such voluntary entrance, the student voluntarily assumes obligations of performance and behavior reasonably imposed by the college relevant to its lawful missions, processes, and functions. It is the college's expectation that students will:

- (a) Conduct themselves in a responsible manner;
- (b) Comply with rules and regulations of the college and its departments;
- (c) Respect the rights, privileges, and property of other members of the academic community;
- (d) Maintain a high standard of integrity and honesty; and
- (e) Not interfere with legitimate college business appropriate to the pursuit of educational goals.

(3) Student misconduct. Any student will be subject to disciplinary action who, either as a principal or participator or by aiding or abetting, commits or attempts to commit any of the following which are hereby prohibited:

(a) Abusive conduct. Physical and/or verbal abuse, threats, intimidation, harassment, coercion, and/or other conduct which threatens or endangers the health or safety of any person or which has the purpose or effect of creating a hostile or intimidating environment at any college-sponsored or college-supervised function.

(b) Destroying or damaging property. Intentional and/or reckless damage to or misuse of college-owned or controlled property, or the property of any person where such property is located within college-owned or controlled premises or at college-sponsored functions.

(c) Discrimination. Engaging in any prohibited discriminatory or harassing behavior as defined by applicable law and/or college policies including stalking or hate activity as defined by law.

(d) Disorderly conduct.

(i) Obstruction of teaching, administration, disciplinary proceedings, or other college activities, including its public service function on- or off-campus, or of other authorized noncollege activities when the conduct occurs on college premises or at college-sponsored functions.

(ii) Material and substantial interference with the personal rights or privileges of others or of the educational process of the college.

(iii) Lewd or indecent conduct, breach of peace, or aiding, abetting, or procuring another person to breach the peace on college premises or at functions sponsored, or participated in, by the college or members of the academic community.

(iv) Unauthorized use of electronic or other devices to make an audio or video recording of any person while on college premises without his/her prior knowledge, or without his/her effective consent, when such a recording is likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, or restroom.

(e) Disruption:

(i) Participating in an on- or off-campus demonstration, riot, or activity that disrupts the normal operations of the college and/or infringes on the rights of other members of the college community.

(ii) Intentionally and/or recklessly inciting others to engage in any prohibited conduct as defined herein, when incitement may lead to such conduct.

(iii) Obstruction of the free flow of pedestrian or vehicular traffic on college premises or at college-sponsored or supervised functions.

(f) Drugs. Nonintended using of a prescriptive drug or using, possessing, manufacturing, furnishing, selling, or being under the influence of any narcotic drug or controlled substance as defined in Washington statute (chapter 69.50 RCW) except when the use or possession of a drug is specifically prescribed as medication by an authorized medical practitioner to the specific student.

(g) Falsehoods and misrepresentations.

(i) The intentional making of false statements and/or filing of false charges against the college and/or members of the college community.

(ii) Knowingly furnishing false information to any college official, faculty member, or office.

(iii) Forgery, alteration, or misuse of any college document, record, fund, or instrument of identification with the intent to defraud.

(h) Hazing. Any method of initiation into a student club or organization, or any pastime or amusement engaged in with respect to such a group or organization that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student or other person attending the college as described in Washington statute (RCW 28B.10.900).

(i) Insubordination.

(i) Failure to comply with the direction of college officials or law enforcement officers acting in the legitimate performance of their lawful duties.

(ii) Failure to properly identify oneself, provide evidence of student enrollment and/or proper identification upon request of college officials acting in the legitimate performance of their lawful duties.

(j) Liquor. Consuming, possessing, furnishing or selling of alcoholic beverages and/or being demonstrably under the influence of any alcoholic beverage on college premises or at college-sponsored or supervised events except as a participant of legal age in a student program, banquet, or educational program which has the special written authorization of the college president or his/her designee.

(k) Misuse of equipment and technology. Misuse of the college's computer, telecommunications, or electronic technology, facilities, or equipment provided for the use of students in fulfilling their educational needs including, but not limited to:

(i) Unauthorized entry into a file to use, read, or change the contents, or for any other purpose.

(ii) Unauthorized transfer of a file.

(iii) Use of another individual's identification or password.

(iv) Copyright violations.

(v) Use of the college's computer, telecommunications, or electronic technology facilities and resources:

(A) That interferes with the work of another student, faculty member, or college official.

(B) To send obscene or abusive messages.

(C) For personal profit, advertisement, or illegal purposes.

(D) For purposes other than those necessary to fulfill an assignment or task as part of the student's program of instruction.

(l) Safety misconduct:

(i) Intentionally initiating or causing to be initiated any false report, warning, or threat of fire, explosion, or other emergency on college premises or at any college-sponsored activity; or

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

(m) Sexual misconduct. Engaging in unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature where such behavior offends a reasonable, orderly, prudent person under these circumstances.

(n) Theft. The unauthorized taking or removing of college-owned or operated property or of another's property with the intent of depriving the owner of the property, where such property is located within college premises.

(o) Trespass or unauthorized presence.

(i) Entering or remaining unlawfully on college premises, as defined by state law.

(ii) Using college premises, facilities, or property without authority.

(iii) Unauthorized possession, duplication or use of keys to any college premises.

(p) Weapons. Possession of weapons (e.g., firearms, daggers, swords, knives or other cutting or stabbing instruments, clubs) or substances (e.g., explosives) apparently capable of producing bodily harm and/or damage to real or personal property is prohibited on or in college-owned or operated facilities and premises and/or during college-sponsored events.

(i) Carrying of firearms on or in college-owned or operated facilities and/or during college-sponsored events is prohibited except and unless the firearm is registered with the campus security department for a specified period of time.

(ii) The aforementioned regulations shall not apply to equipment or materials owned, used or maintained by the college; nor will they apply to law enforcement officers acting in the legitimate performance of their lawful duties.

(4) Academic dishonesty. Academic dishonesty minimizes the learning process and threatens the learning environment for all students. As members of the CBC learning community, students are not to engage in any form of academic dishonesty which includes, but is not limited to, cheating, plagiarism, and fabrication or falsification of information, research, or other findings for the purpose of fulfilling any assignment or task as part of the student's program of instruction.

(a) Any student who commits or aids and abets the accomplishment of an act of academic dishonesty will be subject to disciplinary action.

(b) The class instructor is responsible for handling each case of academic dishonesty in the classroom and for determining a penalty grade as outlined in the course syllabus.

(i) If, within the instructor's professional judgment, reasonable evidence would suggest a student engaged in academic dishonesty, the instructor will provide notice to the student, either written or verbal, of his/her assertion of academic dishonesty and of the academic penalty grade within three instructional days of the occurrence.

(ii) The instructor will submit a report of the infraction, the notice given to the student and a copy of all applicable evidence to his/her dean.

(iii) The dean, after consulting with the instructor and others as appropriate, may recommend disciplinary action in which case all applicable information will be submitted to the CSSO within the time frames and procedures as provided in this document.

(5) Classroom conduct and the learning environment.

(a) Instructors have the authority to take appropriate action to maintain order and proper conduct in the classroom and to maintain the effective cooperation of the class in fulfilling the objectives of the course.

(b) An instructor has the authority to exclude a student from any single class/program session during which the student is so disorderly or disruptive that it is difficult or impossible to maintain classroom decorum. The instructor will report any such exclusion from the class/program to the CSSO. The CSSO may initiate disciplinary action as provided in this procedure.

(c) Bringing any person or object to a teaching and learning environment that may disrupt the environment or cause a safety or health hazard, without the approval of the class instructor or other authorized official, is expressly prohibited.

(6) Violation of law. College disciplinary proceedings may be instituted against a student charged with conduct that potentially violates the criminal law and this student code (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the CSSO. Determinations made or sanctions imposed under this code will not be subject to change because criminal charges arising out of the same facts giving rise to violation of college rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

NEW SECTION

WAC 132S-40-360 Student conduct code procedures. (1) Initiation of disciplinary action. A request for disciplinary action of a student for violation(s) of the rules of student conduct must be made in writing to the CSSO as soon as possible but not later than twenty instructional days after the occurrence or the date the requestor knew or should reasonably have known of the occurrence. Any member of the

college's administration, faculty, staff, or student may make such a request. The written request must be signed by the individual making the request and must be a good faith claim. The CSSO may decline the request, implement the request, or engage in informal negotiations to resolve the situation based on the allegation(s) and the evidence that has been provided.

(2) Notice requirements. Any student charged with a violation will be given written notice personally or sent written notice by registered or certified mail to the most recent address in the student's record on file with the college, no later than fifteen instructional days after a decision is made to proceed with an investigation. The notice will not be ineffective if presented later due to the student's absence. Such notice will:

(a) Inform the student a report has been filed alleging the student violated college policy.

(b) Set forth those provisions of the college's policy and the specific acts which are alleged to be violations, as well as the date(s) of the violation(s).

(c) Specify the time, date, and location where the student is required to meet with the CSSO. The meeting will be scheduled no earlier than three instructional, but within thirty instructional days of the mailing of the notification to the student. The CSSO may modify the time, date and location of the meeting, either at the student's or college's request, for reasonable cause.

(d) Inform the student that failure to appear at the appointed time and place may subject the student to suspension from the college for a stated or indefinite period of time.

(e) Inform the student that he/she may bring an advisor or representative to the meeting. The advisor or representative cannot be a college employee.

(3) Meeting with the chief student services officer.

(a) At the meeting with the CSSO the student will be informed of the following:

(i) The provision(s) of the rules of conduct or college policy he/she is charged with violating.

(ii) The disciplinary process.

(iii) The range of sanctions which might result from disciplinary proceedings.

(iv) The student's rights to appeal.

(b) The student will have the opportunity to respond to the allegation(s) by providing information to the CSSO about his/her involvement, if any, in the alleged violation(s), explaining the circumstances surrounding the violation(s), and/or defending him/herself against the allegations. If the student chooses to have an advisor or representative present at the meeting, the CSSO will allow the advisor or representative to make a brief statement.

(4) Decision by chief student services officer.

(a) After interviewing the student or students involved and/or other individuals as appropriate, and after considering the evidence in the case, the CSSO may take any of the following actions:

(i) Terminate the proceedings and thereby exonerate the student or students.

(ii) Impose disciplinary sanctions as provided herein.

(iii) Refer the matter to the student conduct board (herein referred to as the SCB) for appropriate action.

(b) Notification of action by the CSSO will be delivered to the student personally or sent by registered or certified mail to the most recent address in the student's record on file with the college, within thirty instructional days of the meeting. A copy of the notification will be filed with the office of the CSSO.

(c) Disciplinary action taken by the CSSO is final unless the student exercises the right of appeal as provided herein.

(5) Student conduct board.

(a) Composition: The college will have a SCB composed of six members who will be chosen and appointed by October 1 of each year to serve as a standing committee until their successors are appointed. The membership of the board will consist of two members of the administration (not including the CSSO) appointed by the president, two faculty members appointed by the faculty senate, and two students appointed by the president of the ASCBC.

(b) Chairperson: The SCB will elect a chairperson from among the administrator or faculty members. The chairperson will preside at every disciplinary hearing and will provide administrative oversight throughout the hearing process. The chairperson may participate in committee deliberations but will not vote unless it is necessary to constitute a quorum or the vote of the SCB is tied, at which time the chairperson will cast the deciding vote.

(c) Hearing procedures:

(i) The SCB will hear, de novo, all disciplinary cases appealed to the committee by the student or referred to it by the CSSO.

(ii) The student and the CSSO will be sent written notification at least seven instructional days prior to the hearing of the following:

- (A) The time, date, and location of the hearing.
- (B) The specific violation(s) alleged against the student.
- (C) The SCB procedures.
- (D) The names of the members of the SCB.

(iii) A student facing dismissal has the right to be assisted by one advisor or representative of his/her choice and at his/her expense. The advisor must be someone who is not employed by the college. If the student chooses to have an attorney serve as his/her advisor, the student must tender notice to the SCB no less than five instructional days prior to the hearing in order to allow the CSSO a legal advisor. A student should select as an advisor a person whose schedule allows attendance at the scheduled date and time of the SCB hearing because delays will normally not be allowed due to the scheduling conflicts of an advisor.

(iv) The student will be accorded reasonable access to the case file that will be retained by the CSSO.

(v) Any SCB member who has a personal relationship, personal interest, or other interest which would prevent that person from rendering a fair and impartial decision must recuse him/herself from sitting for that case.

(vi) A student may request in writing no less than five instructional days prior to the hearing that a SCB member recuse or disqualify him/herself. The request must be for good cause, which must be shown by the student. In the event of such a request, the SCB will consider the request prior to the time scheduled for the hearing and will decide

whether the SCB member should be disqualified for that hearing.

(vii) The parties involved in the hearing will be requested to submit their witness list and any documentary evidence to be discussed at the hearing to the hearing chairperson not less than five instructional days prior to the hearing.

(viii) Hearings will be closed to the public except if requested by the student and at the discretion of the chairperson. At all times, however, all parties, their advisors, the witnesses, and the public will be excluded during the deliberations of the SCB.

(ix) A quorum will consist of no less than three members provided that such quorum will include at least one student, one faculty member, and one administrator.

(x) The CSSO may request a special presiding officer to the SCB in complex cases. In these circumstances the special presiding officer will act as the chairperson of the hearing.

(xi) The chairperson will exercise control over the hearing to avoid needless consumption of time and to prevent the harassment or intimidation of witnesses. Any person, including the student, who disrupts a hearing or who fails to adhere to the rulings of the chairperson may be excluded from the proceedings and may be subject to disciplinary action.

(xii) The student may question witnesses and have a maximum of three character witnesses appear on his/her behalf.

(xiii) The burden of proof will be on the CSSO who must establish the alleged violation(s) by a preponderance of the evidence.

(xiv) Formal rules of evidence and procedure will not be applicable in disciplinary proceedings conducted pursuant to this code. The chairperson will admit all matters into evidence which reasonable persons would accept as having probative value in the conduct of their affairs. Unduly repetitious or irrelevant evidence may be excluded.

(xv) In order that a complete record of the proceeding can be made to include all evidence presented, hearings will be recorded or transcribed except for the deliberations of the SCB. The record will be the property of the college.

(xvi) After considering the evidence in the case, the SCB will decide by majority vote whether to terminate the proceedings, thereby exonerating the student, or impose disciplinary sanctions as set forth herein.

(xvii) The decision of the SCB must include a written summary in sufficient detail to permit appellate review of the violations alleged, testimony and evidence, and conclusions. Decisions of the SCB will be delivered, within ten instructional days, to the student personally or sent by registered or certified mail to the student's most recent address on file with the college, and a copy filed with the office of the CSSO.

(xviii) Disciplinary action taken by the SCB is final unless the student exercises the right of appeal as provided herein.

NEW SECTION

WAC 132S-40-370 Appeals of disciplinary action. (1)

All appeals by a student must be made in writing and received by the CSSO within ten calendar days of notifica-

tion of the CSSO's or the SCB's decision. Failure to file a written appeal within the time period specified will result in the decision(s) becoming final with no further right of appeal.

(2) Appeals of disciplinary action(s) will be taken in the following order:

(a) Disciplinary decisions and action taken by the CSSO may be appealed by the student to the SCB.

(b) Disciplinary decisions and action taken by the SCB may be appealed by the student to, and shall be reviewed by, the college president who shall have final authority in the disciplinary action.

NEW SECTION

WAC 132S-40-380 Disciplinary sanctions. (1) The student will be notified in writing of the sanction(s) imposed as well as of any conditions pursuant to the sanction(s). Copies of the notification will be kept on file in the office of the CSSO and in the student's official educational record. All sanctions outlined herein are subject to the appeal process.

(2) The following sanctions, singly or in combination, may be imposed upon any student found to have violated the student code:

(a) Warning. Notice to a student that the student is violating or has violated college rules or regulations or has otherwise failed to meet the college's standards of conduct. Such warnings will include the statement that continuation or repetition of the specific conduct involved or other misconduct will normally result in one of the more serious disciplinary actions described below.

(b) Reprimand. Formal action censuring a student for violation of the college rules or regulations or failure to meet the college's standards of conduct. Reprimands will be made in writing to the student by the CSSO or the SCB with copies filed in the office of the CSSO. A reprimand will include the statement that continuation or repetition of the specific conduct involved or other misconduct will normally result in one of the more serious disciplinary actions described below.

(c) Loss of privileges. Denial of specified privileges for a designated period of time.

(d) Restitution. An individual student may be required to make restitution for damage, loss, or injury. This may take the form of appropriate service and/or monetary or material replacement. Failure to make restitution within thirty days or any period set by the CSSO or SCB will result in suspension for an indefinite period of time as set forth in (g) of this subsection, provided that a student may be reinstated upon payment or upon a written agreed plan of repayment. Failure to strictly comply with the terms of a repayment plan will result in immediate suspension.

(e) Discretionary sanctions. Work assignments, essays, service to the college, or other related discretionary assignments.

(f) Disciplinary probation. Formal action placing conditions upon the student's continued attendance for violations of college rules or regulations or other failure to meet the college's standards of conduct. Written notice of disciplinary probation will specify the period of probation and any condition(s) upon which his/her continued enrollment is contingent. Such conditions may include, but not be limited to,

adherence to terms of a behavior contract or limiting the student's participation in extra-curricular activities or access to specific areas of the college's facilities. Disciplinary probation may be for a specified term or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the college.

(g) Suspension. Separation of the student from the college for a definite period of time, after which the student is eligible to return. Students who are suspended may be denied access to all or any part of the campus or other facilities during the duration of the period of suspension. Additionally, conditions for readmission may be specified.

(h) Expulsion. Permanent separation of the student from the college. Students who are expelled may be denied access to all or any part of the campus or other facilities permanently.

(i) Revocation of admission and/or degree. Admission to or a degree awarded from the college may be revoked for fraud, misrepresentation, or other violation of college standards in obtaining admission or the degree, or for other serious violations committed by a student prior to graduation. Revocation of admission or a degree is subject to the hearing process as outlined in this code. Revocation of a degree must be approved by the board of trustees.

(j) Withholding degree. The college may withhold awarding a degree otherwise earned until the completion of the process set forth in the code, including the completion of all sanctions imposed, if any. Withholding a degree must be approved by the board of trustees.

NEW SECTION

WAC 132S-40-390 Interim restriction and suspension procedures. (1) Initiation of interim restriction and suspension procedures. If there is cause to believe that a student or student organization poses an imminent threat to him/herself, itself, to others, or to property, immediate action may be taken pending an investigation by the CSSO. The CSSO may take one or more of the following interim actions:

(a) Interim restrictions. A student may be restricted from college-owned or operated facilities and/or events.

(b) Interim suspension. A student may be suspended pending investigation, action, or prosecution.

(2) Permission to enter or remain on campus. During the period of interim restriction or suspension, the student will not enter the campus of the college or any facility under the operation of the college other than to meet with the CSSO or to attend the hearing. However, the CSSO may grant the student special permission to enter the campus for the express purpose of meeting with faculty, staff, or students in preparation for the hearing.

(3) Notice of interim restriction and suspension proceedings. If the CSSO finds it necessary to exercise the authority to evoke interim restriction or suspension, he/she will give the student notice, orally or in writing, stating:

(a) The time, date, place and nature of the alleged misconduct.

(b) The evidence in support of the charge(s).

(c) The corrective action or punishment which may be imposed against the student.

(d) The possibility that anything the student says to the CSSO may be used against the student.

(e) The student's right to either accept the disciplinary action or, within three instructional days following receipt of the above notification, file at the office of the CSSO a written request for a hearing by the SCB. If the request is not filed within the prescribed time, it will be deemed as waived.

(4) Hearing. The hearing will be accomplished according to the procedures set forth in this document and no later than ten instructional days after the action is taken. Failure by the student to appear at the SCB hearing will result in the CSSO suspending the student from the college.

NEW SECTION

WAC 132S-40-400 Records of disciplinary action. (1) Records of all disciplinary cases will be kept by the office of the CSSO. Except in proceedings wherein the student is exonerated, all documentary proceedings and all recorded testimony will be preserved insofar as possible for at least five years. No record of proceedings wherein the student is exonerated, other than the fact of exoneration, will be maintained in the student's file or other college repository after the date of the student's graduation or for one calendar year.

(2) The office of the CSSO will keep accurate records of all disciplinary actions taken by, or reported, to that office. Such recordings will be placed in the student's official records. The CSSO is responsible for ordering the removal of any notations of any disciplinary action on the student's record. A student may petition the CSSO for removal of such a notation at any time.

(3) The Family Educational Right to Privacy Act (FERPA) provides that an educational institution may notify a student's parent or legal guardian if the student is under the age of twenty-one and has violated a federal, state, or local law involving the use or possession of alcohol or a controlled substance.

NEW SECTION

WAC 132S-40-410 Rights to brief adjudicative procedures. (1) Use of brief adjudicative procedures. In accordance with RCW 34.05.482 through 34.05.494, brief adjudicative procedures will be used in all matters pertaining to:

(a) Residency determinations made pursuant to RCW 28B.15.013.

(b) Disputes concerning educational records.

(c) Parking violations.

(d) Outstanding debts.

(e) Student-athlete ineligibility.

In all cases, except as stipulated for outstanding debts as noted below, students shall be informed verbally or in writing of the action taken by the college no later than three instructional days by an administrator from the department issuing the adverse action. The letter of notification shall also state that the student has a right to a brief adjudicative procedure which, if desired, must be received by the college within ten calendar days from the date of verbal notification or posting of the letter. If a written request is not received within this time frame, the student will be deemed to have waived any right to a brief adjudicative procedure.

(2) Withholding of services and other remedies for outstanding debts.

(a) Upon receiving a request for services when there is an outstanding debt due to the college from the student, the college shall notify the student verbally or by first class mail addressed to his/her last known mailing address, that there is an outstanding debt and the requested services will not be provided until that debt is paid.

(b) The letter of notification shall also state the student has a right to a brief adjudicative procedure for the purposes of determining whether the student is, in fact, indebted to the college as alleged in the notice. The letter shall indicate that any request for a hearing must be received by the college within ten calendar days from the date of verbal notification or posting of the letter. If a written request is not received within this time frame, the student will be deemed to have waived any right to a brief adjudicative procedure.

(3) Student-athlete ineligibility.

(a) Any student-athlete alleged to have violated the rules of student conduct, except as noted below, will be subject to disciplinary action, appeal procedures, and sanctions as afforded any other student and as specified herein.

(b) If a student-athlete is found to have violated chapter 69.50 RCW, which prohibits the illegal use, possession, furnishing, or selling of any narcotic or dangerous drug or prescriptive drug, the student-athlete will be disqualified from participation in any college-sponsored athletic event or activity. In these circumstances, the student-athlete will have the right to a brief adjudicative procedure. The college's athletic director must receive a written request for such a procedure within three instructional days of notice of the adverse action. If a written request is not received within this time frame, the student will be deemed to have waived any right to a brief adjudication procedure and will be declared ineligible from further participation in college-sponsored athletic events or activities.

(4) Brief adjudicative procedure. If a written request for a brief adjudicative procedure is made within the required time frame, the college will designate a presiding officer to conduct the brief adjudicative proceeding. The brief adjudicative proceeding will be conducted in accordance with RCW 34.05.482 through 34.05.494. The presiding officer will be a college administrator who is not involved with the program whose adverse action is being questioned. The presiding officer shall give each party an opportunity to be informed of the college's view on the matter and the student's view of the matter.

(5) Brief adjudicative decision. Within ten calendar days of the brief adjudicative procedure, the presiding officer shall issue a written decision to the parties which will include a brief written statement of the reasons for the decision. The written decision shall serve as the final order. All documents presented, considered, or prepared by the presiding officer will be maintained as the official record of the brief adjudicative proceeding.

NEW SECTION

WAC 132S-40-420 Procedure for addressing student complaints. The purpose of these procedures is to establish a

process whereby a student may express dissatisfaction with the performance or action of a college employee which the student believes to be a violation of his/her rights and/or is inconsistent with college policy or usual practices. It is the belief and practice of Columbia Basin College that the best way for individuals to address concerns is in an informal, direct manner. Students are encouraged to meet with the instructor or staff member involved and attempt to resolve the problem. When resolution is not possible at this level, students may choose to initiate a more formal process of review.

(1) Issues or problems excluded from the complaint process.

(a) Outcomes of the disciplinary proceedings described in this code.

(b) Federal and state laws, rules, and regulations.

(c) Existing college policy, practices, regulations, and procedures. In these circumstances, students should bring their concerns to the attention of the appropriate college committee or administrator.

(d) Student academic evaluations.

(e) Sexual harassment, sex discrimination, or handicapped discrimination complaints. For these complaints, a student will use the appropriate college procedures as outlined in college policies that are available on the college web site and in the office of the CSSO.

(2) Initiating the informal complaint process. The informal process promotes constructive dialogue and understanding and does not require paperwork or forms. Prior to filing a formal complaint, the student must use the following informal procedure:

(a) The student should discuss the complaint informally and thoroughly with the employee no later than ten instructional days within the quarter following the alleged abridged right. Both parties should openly discuss the matter and attempt to understand the other's perspectives, explore alternatives, and attempt to arrive at a satisfactory resolution to the issue or problem within fifteen instructional days from the date the student first made the issue or problem known.

(b) In the event of absence from campus by the employee, the student will contact the employee's supervisor for advice on how to proceed with this process.

(c) If the student feels that he/she cannot meet face-to-face with the employee, he/she may directly contact the employee's supervisor.

(d) If the student is dissatisfied with the resolution, the student may proceed with a formal complaint.

(3) Proceeding with a formal complaint. If an informal attempt at resolution is unsuccessful, a student may proceed with a formal complaint. A formal complaint must be initiated no later than the quarter following the alleged abridged right or within thirty instructional days from the date the student first made the issue or problem known as an informal complaint. The student is encouraged to contact the executive assistant to the CSSO prior to initiating a formal complaint so that he/she may inform the student of the formal complaint process:

(a) The student must outline in writing what right has been abridged, identifying dates and persons involved as accurately as possible, with a remedy clearly stated.

(b) Complaints will be addressed to the appropriate supervising vice-president, dean, director, or designee.

(i) The appropriate supervisor will inform the student that he/she may choose an advisor, at his/her own expense, to assist the student in the completion of the complaint process. The advisor must be someone who is not employed by the college.

(ii) The appropriate supervisor will forward the student's written complaint to the employee concerned within five instructional days of the receipt of the written complaint. The employee will provide a written response to the student within ten instructional days with a copy submitted to the appropriate supervisor.

(iii) If the written response does not resolve the complaint, the student may request the appropriate supervisor to convene a conference of all the involved parties within ten instructional days to:

(A) Attempt to resolve to the satisfaction of all parties the complaint; and/or

(B) Hear the issue(s) and take appropriate action(s) to resolve the complaint.

(c) The student may request an appeal, in writing, to the appropriate supervisor no later than three instructional days following receipt of the supervisor's decision. The appeal will be reviewed at the next administrative level and a written decision mailed to the student within ten instructional days following receipt of the request for an appeal. The decision at this level will be final.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 132S-40-160	Student rights.
WAC 132S-40-165	Student responsibilities/violations.
WAC 132S-40-170	Disciplinary proceedings.
WAC 132S-40-175	Appeals of disciplinary action.
WAC 132S-40-180	Disciplinary sanctions.
WAC 132S-40-185	Summary suspension procedures.
WAC 132S-40-190	Student complaints.

WSR 06-19-008

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed September 8, 2006, 8:43 a.m., effective October 9, 2006]

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

Purpose: This rule-making order amends WAC 16-390-230 by increasing the apple pest certification fee from \$.0075 per hundredweight (cwt.) to \$.015 per cwt. This increase is effective through December 31, 2008. The fee reverts back to \$.0075 per cwt. on January 1, 2009.

Citation of Existing Rules Affected by this Order:
Amending WAC 16-390-230.

Statutory Authority for Adoption: Chapters 15.17 and 34.05 RCW.

Adopted under notice filed as WSR 06-15-117 on July 19, 2006.

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 1, Repealed 0.

Date Adopted: September 8, 2006.

Valoria H. Loveland
Director

AMENDATORY SECTION (Amending WSR 04-11-078, filed 5/18/04, effective 6/18/04)

WAC 16-390-230 What is the fee for an apple pest certification? Through December 31, 2008, the fee for apple pest certification, using the survey method, on all fresh apples produced in Washington state or marketed under Washington state grades and standards, is ((\$.0075)) \$.015 per cwt. or fraction thereof. Beginning January 1, 2009, the fee shall be \$.0075 per cwt. or fraction thereof.

WSR 06-19-009

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed September 8, 2006, 8:44 a.m., effective October 9, 2006]

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

Purpose: At industry request, this rule-making order amends chapter 16-462 WAC, Grape planting stock, by:

(1) Exempting registered and certified stock grown in a fully enclosed greenhouse, screenhouse or laboratory from the isolation distance from noncertified or nonregistered grapevines;

(2) Repealing the requirement that different varieties of grapevines in registered blocks must be separated by a minimum distance;

(3) Modifying the requirements for propagating registered stock by allowing an extra generation under controlled conditions;

(4) Recognizing the responsibility of Washington State University for inspecting and indexing the Northwest Foundation Block at WSU-Prosser;

(5) Repealing the requirement that grapevines used for the production of certified planting stock must be pruned to allowing fruiting;

(6) Requiring that certified grape planting stock must be free of regulated pests and diseases;

(7) Adding vine mealy bug to the list of pests that certified grape planting stock must be free of; and

(8) Increasing the clarity and readability of the language.

Citation of Existing Rules Affected by this Order:
Amending WAC 16-462-010, 16-462-015, 16-462-020, 16-462-021, 16-462-025, 16-462-030, 16-462-035, 16-462-050, and 16-462-055.

Statutory Authority for Adoption: Chapters 15.14 and 34.05 RCW.

Adopted under notice filed as WSR 06-15-116 on July 19, 2006.

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 9, 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 9, Repealed 0.

Date Adopted: September 8, 2006.

Valoria H. Loveland
Director

AMENDATORY SECTION (Amending WSR 99-12-025, filed 5/25/99, effective 6/25/99)

WAC 16-462-010 Grape planting stock program—

General. (1) Grapevines or parts of grape plants may be designated as registered stock or certified stock, if they and the stock from which they were produced have been inspected, indexed, and tested in accordance with procedures and requirements outlined in ~~((rule))~~ this chapter and found to be in compliance with all standards and requirements established in this chapter.

(2) The issuance of a state of Washington plant tag, stamp, or other document under this chapter means only that the tagged, stamped or otherwise documented planting stock has been subjected to standards and procedures described in this chapter and determined to be in compliance with its standards and requirements. The department disclaims all ~~((express))~~ expressed or implied warranties, including without limitation, implied warranties of merchantability and fitness for particular purpose, regarding all plants, plant parts, and plant materials under this chapter.

(3) The department is not responsible for disease, genetic disorders, off-type, failure of performance, mislabeling, or otherwise, in connection with this chapter. No grower, nurs-

ery dealer, government official, or other person is authorized to give any expressed or implied warranty, or to accept financial responsibility on behalf of the department regarding this chapter.

(4) Participation in the grape planting stock certification program is voluntary.

AMENDATORY SECTION (Amending WSR 02-11-100, filed 5/20/02, effective 6/20/02)

WAC 16-462-015 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

~~((1))~~ "Aseptic shoot tip propagation" means aseptically removing a vegetative shoot tip from growth arising from a dormant cutting from a foundation plant or from green growth (i.e., softwood) from a foundation plant during the growing season and aseptically transferring this shoot tip to a suitable vessel containing an appropriate culture medium.

~~((2))~~ "Certified grape planting stock" means vines, rooted cuttings, cuttings or grafted plants taken or propagated directly from foundation vines, registered vines or certified in compliance with the provisions of this chapter.

~~((3))~~ "Department" means the department of agriculture of the state of Washington.

~~((4))~~ "Director" means the director of the department of agriculture or the director's designee.

~~((5))~~ "Foundation block" means a planting of grapevines established, operated and maintained by Washington State University, or other equivalent sources approved in writing by the director, that are indexed and found free from viruses designated in this chapter and that are not off-type.

~~((6))~~ "Index" means determining whether a virus infection is present by means of inoculation from the plant to be tested to an indicator plant or by any other testing method approved by the department.

~~((7))~~ "Indicator plant" means any herbaceous or woody plant used to index or determine virus infection.

"Mother vine" means a grapevine used as a source for propagation material.

~~((8))~~ "Off-type" means appearing under visual examination to be different from the variety listed on the application for registration and certification, or exhibiting symptoms of a genetic or nontransmissible disorder.

~~((9))~~ "Registered block" means a planting of registered grapevines maintained by a nursery and used as a source of propagation material for certified grapevines.

~~((10))~~ "Registered vine" means any vine propagated from a foundation block approved by the director, identified to a single vine source, and registered with the Washington state department of agriculture, in compliance with provisions of this chapter.

~~((11))~~ "Virus-like" means a graft-transmissible disorder with symptoms resembling a characterized virus disease, including, but not limited to, disorders caused by viroids and phytoplasmas.

AMENDATORY SECTION (Amending WSR 02-11-100, filed 5/20/02, effective 6/20/02)

WAC 16-462-020 Requirements for participation in the grape planting stock program. (1) The applicant shall be responsible, subject to the approval of the department, for the selection of the location and the proper maintenance of registered blocks and planting stock.

(2) The applicant must maintain records identifying the foundation source of registered vines and certified planting stock. The applicant must make these records available to the department upon request.

(3) The applicant shall take suitable precautions in cultivation, irrigation, movement and use of equipment, and in other farming practices, to guard against spread of soil-borne pests to planting stock entered in this program. The applicant shall keep all registered blocks and certified planting stock clean cultivated except for approved cover crops.

(4) Following notification by the department the applicant shall remove and destroy immediately any registered vine or certified planting stock found to be off-type or affected by a virus or virus-like disease or a quarantine pest.

(5) Registered blocks and certified planting stock must be located at least one hundred feet from any land on which noncertified or nonregistered grapevines have been grown within the past ten years. This does not apply to registered and certified stock grown in a fully enclosed greenhouse, screenhouse or laboratory provided the facility does not contain noncertified grapevines.

AMENDATORY SECTION (Amending WSR 02-11-100, filed 5/20/02, effective 6/20/02)

WAC 16-462-021 Requirements for registered blocks. (1) All registered grapevines must be identified by the number assigned to the single vine source in the foundation block from which they were taken.

(2) With the exception of practices allowed in subsections (3) ~~(and)~~, (4), and (5) of this section, registered plants must be propagated directly from cuttings taken from a foundation block.

(3) Plants propagated from a foundation block by aseptic shoot tip propagation and grown entirely under laboratory or greenhouse conditions may serve as a source of softwood cuttings or shoot tip culture used to establish a registered block or registered grapevines.

(4) Registered grapevines may be propagated from other registered grapevines within the same registered block for the purpose of increasing the size of the registered block or for replacement grapevines.

(5) ~~(Grapevines of different varieties in registered blocks must be separated by a minimum of twelve feet within the row. The distance between rows of different varieties must be a minimum of eight feet.)~~ The department may permit participating nurseries to propagate registered grapevines from other registered grapevines for the purpose of establishing or increasing other registered blocks within the nursery under the following conditions:

(a) Mother vines were propagated directly from a foundation vine:

(b) Propagation is under environmentally controlled conditions to prevent the introduction of pests; and

(c) Mother vine is no more than two years old, or has been tested and found free of regulated viruses within the past two years.

AMENDATORY SECTION (Amending WSR 02-11-100, filed 5/20/02, effective 6/20/02)

WAC 16-462-025 Foundation, registered, and certified grape planting stock—Inspections. (1) Inspections and indexing of registered grapevines and certified planting stock will be performed by the department at times determined to be suitable for the detection of virus and virus-like disease symptoms. Washington State University will inspect and index the foundation block.

(2) The department will index registered grapevines by methods listed in Appendix 1 of the North American Plant Protection Organization (NAPPO) Grapevine Standard.

(3) The department will conduct at least two inspections of registered grapevines during each growing season.

~~(4) ((Except for varieties to be used solely as rootstock, registered grape vines used for the production of certified planting stock must be pruned to allow some fruiting.~~

~~(5))~~ The department will inspect certified planting stock at least three times per year, twice during the growing season and once during or after harvest.

~~((6))~~ (5) The department will refuse or withdraw registration or certification for any planting stock that is infested or infected with any ~~((quarantine))~~ regulated pest.

AMENDATORY SECTION (Amending WSR 02-11-100, filed 5/20/02, effective 6/20/02)

WAC 16-462-030 Certified grape ~~((nursery))~~ planting stock—Application and fees. (1) The applicant shall furnish all information requested on the application form and shall give consent to the department to take samples from any planting stock enrolled in the program as registered or certified grapevines for inspection or indexing.

(2) Application for registration and certification shall be filed with the department by January 1 of each year accompanied by a one hundred seventy-five dollar application fee.

(3) Inspection, phytosanitary certification, indexing and testing fees are due upon completion of services.

(4) Fees for inspection, phytosanitary certification, and testing shall be assessed at the appropriate rate established in chapters 16-401 and 16-470 WAC. Mileage for inspections and other on-site services shall be charged at a rate established by the state office of financial management.

AMENDATORY SECTION (Amending WSR 99-12-025, filed 5/25/99, effective 6/25/99)

WAC 16-462-035 Certified grape ~~((nursery))~~ planting stock—Tagging and identity. (1) Certification tags issued by the department must be securely attached by the grower to each certified planting stock, including rooted cuttings, cuttings and grafted plants.

(2) Any person selling Washington certified grape ~~((nursery))~~ planting stock is responsible for the identity of

such ~~((nursery))~~ planting stock. Persons issued tags authorized by this chapter must account by variety for stock produced and sold. They must keep and allow the department to inspect and copy records necessary to verify this.

AMENDATORY SECTION (Amending WSR 02-11-100, filed 5/20/02, effective 6/20/02)

WAC 16-462-050 Certified grape planting stock—Requirements. Certified plants must be ~~((apparently))~~ free of grapevine fanleaf virus, grapevine leafroll-associated viruses, grapevine corky bark disease agent, grapevine rupestris stem pitting virus, arabis mosaic virus, tomato ringspot virus, grape phylloxera, and vine mealy bug. It must also be free of root knot nematode, crown gall and other visible diseases or serious pest injuries.

AMENDATORY SECTION (Amending WSR 02-11-100, filed 5/20/02, effective 6/20/02)

WAC 16-462-055 Certified grape planting stock—Grades and standards. All field-grown certified stock offered for sale must be bundled in accordance with commercial practice and correctly identified by one or more legible printed labels.

(1) Grades for rooted cuttings are as follows:

(a) Grade No. 1 must have one live cane at least nine inches long and must be well rooted.

(b) Grade No. 2 must have one live cane at least six inches long and must be well rooted.

(2) Cuttings must have at least three buds and be at least nine inches long. The basal bud must be within one-half inch of the basal end.

(3) Two-year plants shall meet the same standard as rooted cutting Grade No. 1.

(4) In order to allow for variations incident to proper grading and packing, not more than a combined total of five percent by count, of the plants or cuttings in any lot may fail to meet the requirements of the grades set forth in this section.

**WSR 06-19-010
PERMANENT RULES
PROFESSIONAL EDUCATOR
STANDARDS BOARD**

[Filed September 8, 2006, 9:26 a.m., effective October 9, 2006]

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

Purpose: The purpose of changes to WAC 181-86-130 and 181-86-185 are to comply with chapter 42.17 RCW, Public records disclosure.

Citation of Existing Rules Affected by this Order: Amending WAC 181-86-130 and 181-86-185.

Statutory Authority for Adoption: RCW 28A.410.210.

Adopted under notice filed as WSR 06-14-069 on June 30, 2006.

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 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: September 7, 2006.

Nasue Nishida

Policy and Research Analyst

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-86-130 Issuance of order for reprimand, suspension, or revocation by superintendent of public instruction. Whenever the superintendent of public instruction takes action to suspend or revoke a certificate or reprimand a certificate holder, the superintendent of public instruction, in accordance with the provisions of this chapter, shall issue an order of reprimand, suspension, or revocation to the affected certificate holder and shall provide such person a copy of applicable administrative appeal procedures provided in this chapter. If the order is to suspend or revoke a certificate and the superintendent of public instruction has knowledge that such certificate holder is employed within the common school system or by an approved private school, the superintendent of public instruction shall advise such employer that an order has been sent to the employee (~~but shall not provide such employer with a copy of the order~~).

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-86-185 Notification of denial, surrender, suspension, or revocation of certificates. The superintendent of public instruction shall notify all other states whenever an applicant has been denied a certificate for failure to possess good moral character or personal fitness or whenever a certificate has been suspended, surrendered, or revoked and shall provide the full name and certificate number, if applicable, to the agency responsible for certification in each state. The superintendent of public instruction shall notify appropriate public or private school officials within the state the name and certification number of all certificate holders whose certificates have been suspended, surrendered, or revoked (~~:(= Provided, That such notification shall not be made prior to forty five days after the final administrative order and shall not be made if a court order staying the denial, suspension, or revocation is in effect).~~).

WSR 06-19-017

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed September 8, 2006, 4:30 p.m., effective October 9, 2006]

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

Purpose: The department has updated the home and community residential rates from the four level payment system to the comprehensive assessment reporting evaluation (CARE) payment levels and to reflect the vendor rate increases of July 1, 2006; and amended the bed hold section to clarify the requirements for third-party payment and clarify that an absence of less than twenty-four hours is not subject to a bed hold payment.

Citation of Existing Rules Affected by this Order: Amending WAC 388-105-0005, 388-105-0035, and 388-105-0045.

Statutory Authority for Adoption: Chapter 74.39A RCW.

Other Authority: RCW 18.20.290; chapters 372, 260, and 64, Laws of 2006.

Adopted under notice filed as WSR 06-16-076 on July 28, 2006.

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 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 0.

Date Adopted: September 6, 2006.

Andy Fernando, Manager

Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 06-07-013, filed 3/3/06, effective 4/3/06)

WAC 388-105-0005 The daily Medicaid payment rates for clients assessed using the comprehensive assessment reporting evaluation (CARE) tool and that reside in adult family homes (AFH) and boarding homes contracted to provide assisted living (AL), adult residential care (ARC), and enhanced adult residential care (EARC) services. For contracted AFH and boarding homes contracted to provide AL, ARC, and EARC services, the department pays the following daily rates for care of a Medicaid resident:

COMMUNITY RESIDENTIAL DAILY RATES FOR CLIENTS ASSESSED USING CARE KING COUNTY					
CARE CLASSIFICATION	AL Without Capital	AL With Capital	ARC	EARC	AFH
	Add-on	Add-on			
A Low (1)	\$((64.02)) <u>65.30</u>	\$((69.03)) <u>70.41</u>	\$((45.27)) <u>46.18</u>	\$((45.27)) <u>46.18</u>	\$((45.90)) <u>46.82</u>
A Med (2)	\$((69.32)) <u>70.71</u>	\$((74.33)) <u>75.82</u>	\$((51.37)) <u>52.40</u>	\$((51.37)) <u>52.40</u>	\$((52.09)) <u>53.13</u>
A High (3)	\$((77.78)) <u>79.34</u>	\$((82.78)) <u>84.45</u>	\$((65.61)) <u>66.92</u>	\$((65.61)) <u>66.92</u>	\$((58.28)) <u>59.45</u>
B Low (4)	\$((64.02)) <u>65.30</u>	\$((69.03)) <u>70.41</u>	\$((45.27)) <u>46.18</u>	\$((45.27)) <u>46.18</u>	\$((45.90)) <u>46.82</u>
B Med (5)	\$((71.44)) <u>72.87</u>	\$((76.45)) <u>77.98</u>	\$((57.47)) <u>58.62</u>	\$((57.47)) <u>58.62</u>	\$((58.28)) <u>59.45</u>
B High (6)	\$((85.18)) <u>86.88</u>	\$((90.19)) <u>91.99</u>	\$((73.75)) <u>75.23</u>	\$((73.75)) <u>75.23</u>	\$((66.52)) <u>67.85</u>
C Low (7)	\$((69.32)) <u>70.71</u>	\$((74.33)) <u>75.82</u>	\$((51.37)) <u>52.40</u>	\$((51.37)) <u>52.40</u>	\$((52.09)) <u>53.13</u>
C Med (8)	\$((77.78)) <u>79.34</u>	\$((82.78)) <u>84.45</u>	\$((65.61)) <u>66.92</u>	\$((65.61)) <u>66.92</u>	\$((66.52)) <u>67.85</u>
C High (9)	\$((96.83)) <u>98.77</u>	\$((101.84)) <u>103.88</u>	\$((85.96)) <u>87.68</u>	\$((85.96)) <u>87.68</u>	\$((87.15)) <u>88.89</u>
D Low (10)	\$((71.44)) <u>72.87</u>	\$((76.45)) <u>77.98</u>	\$((57.47)) <u>58.62</u>	\$((57.47)) <u>58.62</u>	\$((66.52)) <u>67.85</u>
D Med (11)	\$((77.78)) <u>79.34</u>	\$((82.78)) <u>84.45</u>	\$((65.61)) <u>66.92</u>	\$((65.61)) <u>66.92</u>	\$((74.78)) <u>76.28</u>
D High (12)	\$((96.83)) <u>98.77</u>	\$((101.84)) <u>103.88</u>	\$((85.96)) <u>87.68</u>	\$((85.96)) <u>87.68</u>	\$((87.15)) <u>88.89</u>

COMMUNITY RESIDENTIAL DAILY RATES FOR CLIENTS ASSESSED USING CARE METROPOLITAN COUNTIES*					
CARE CLASSIFICATION	AL Without Capital	AL With Capital	ARC	EARC	AFH
	Add-on	Add-on			
A Low (1)	\$((58.73)) <u>59.90</u>	\$((63.28)) <u>64.54</u>	\$((45.27)) <u>46.18</u>	\$((45.27)) <u>46.18</u>	\$((45.90)) <u>46.82</u>
A Med (2)	\$((61.91)) <u>63.15</u>	\$((66.45)) <u>67.79</u>	\$((49.33)) <u>50.32</u>	\$((49.33)) <u>50.32</u>	\$((50.03)) <u>51.03</u>
A High (3)	\$((75.67)) <u>77.18</u>	\$((80.22)) <u>81.82</u>	\$((62.56)) <u>63.81</u>	\$((62.56)) <u>63.81</u>	\$((55.18)) <u>56.28</u>
B Low (4)	\$((58.73)) <u>59.90</u>	\$((63.28)) <u>64.54</u>	\$((45.27)) <u>46.18</u>	\$((45.27)) <u>46.18</u>	\$((45.90)) <u>46.82</u>
B Med (5)	\$((67.20)) <u>68.54</u>	\$((71.75)) <u>73.18</u>	\$((54.42)) <u>55.51</u>	\$((54.42)) <u>55.51</u>	\$((55.18)) <u>56.28</u>

COMMUNITY RESIDENTIAL DAILY RATES FOR CLIENTS ASSESSED USING CARE METROPOLITAN COUNTIES*					
CARE CLASSIFICATION	AL Without Capital	AL With Capital	ARC	EARC	AFH
	Add-on	Add-on			
B High (6)	\$((83.07)) <u>84.73</u>	\$((87.62)) <u>89.37</u>	\$((69.69)) <u>71.08</u>	\$((69.69)) <u>71.08</u>	\$((63.43)) <u>64.70</u>
C Low (7)	\$((61.91)) <u>63.15</u>	\$((66.45)) <u>67.79</u>	\$((49.33)) <u>50.32</u>	\$((49.33)) <u>50.32</u>	\$((50.03)) <u>51.03</u>
C Med (8)	\$((75.67)) <u>77.18</u>	\$((80.22)) <u>81.82</u>	\$((62.56)) <u>63.81</u>	\$((62.56)) <u>63.81</u>	\$((63.43)) <u>64.70</u>
C High (9)	\$((93.65)) <u>95.52</u>	\$((98.20)) <u>100.16</u>	\$((79.85)) <u>81.45</u>	\$((79.85)) <u>81.45</u>	\$((80.97)) <u>82.59</u>
D Low (10)	\$((67.20)) <u>68.54</u>	\$((71.75)) <u>73.18</u>	\$((54.42)) <u>55.51</u>	\$((54.42)) <u>55.51</u>	\$((63.43)) <u>64.70</u>
D Med (11)	\$((75.67)) <u>77.18</u>	\$((80.22)) <u>81.82</u>	\$((62.56)) <u>63.81</u>	\$((62.56)) <u>63.81</u>	\$((70.65)) <u>72.06</u>
D High (12)	\$((93.65)) <u>95.52</u>	\$((98.20)) <u>100.16</u>	\$((79.85)) <u>81.45</u>	\$((79.85)) <u>81.45</u>	\$((80.97)) <u>82.59</u>

*Benton, Clark, Franklin, Island, Kitsap, Pierce, Snohomish, Spokane, Thurston, Whatcom, and Yakima counties.

COMMUNITY RESIDENTIAL DAILY RATES FOR CLIENTS ASSESSED USING CARE NON-METROPOLITAN COUNTIES**					
CARE CLASSIFICATION	AL Without Capital	AL With Capital	ARC	EARC	AFH
	Add-on	Add-on			
A Low (1)	\$((57.68)) <u>58.83</u>	\$((62.52)) <u>63.77</u>	\$((45.27)) <u>46.18</u>	\$((45.27)) <u>46.18</u>	\$((45.90)) <u>46.82</u>
A Med (2)	\$((61.91)) <u>63.15</u>	\$((66.75)) <u>68.09</u>	\$((48.32)) <u>49.29</u>	\$((48.32)) <u>49.29</u>	\$((49.00)) <u>49.98</u>
A High (3)	\$((75.67)) <u>77.18</u>	\$((80.51)) <u>82.12</u>	\$((61.55)) <u>62.78</u>	\$((61.55)) <u>62.78</u>	\$((54.15)) <u>55.24</u>
B Low (4)	\$((57.68)) <u>58.83</u>	\$((62.52)) <u>63.77</u>	\$((45.27)) <u>46.18</u>	\$((45.27)) <u>46.18</u>	\$((45.90)) <u>46.82</u>
B Med (5)	\$((67.20)) <u>68.54</u>	\$((72.04)) <u>73.48</u>	\$((53.41)) <u>54.48</u>	\$((53.41)) <u>54.48</u>	\$((54.16)) <u>55.24</u>
B High (6)	\$((83.07)) <u>84.73</u>	\$((87.91)) <u>89.67</u>	\$((67.65)) <u>69.00</u>	\$((67.65)) <u>69.00</u>	\$((62.41)) <u>63.66</u>
C Low (7)	\$((61.91)) <u>63.15</u>	\$((66.75)) <u>68.09</u>	\$((48.32)) <u>49.29</u>	\$((48.32)) <u>49.29</u>	\$((49.00)) <u>49.98</u>
C Med (8)	\$((75.67)) <u>77.18</u>	\$((80.51)) <u>82.12</u>	\$((61.55)) <u>62.78</u>	\$((61.55)) <u>62.78</u>	\$((62.41)) <u>63.66</u>
C High (9)	\$((93.65)) <u>95.52</u>	\$((98.49)) <u>100.46</u>	\$((76.80)) <u>78.34</u>	\$((76.80)) <u>78.34</u>	\$((77.88)) <u>79.44</u>
D Low (10)	\$((67.20)) <u>68.54</u>	\$((72.04)) <u>73.48</u>	\$((53.41)) <u>54.48</u>	\$((53.41)) <u>54.48</u>	\$((62.41)) <u>63.66</u>

COMMUNITY RESIDENTIAL DAILY RATES FOR CLIENTS ASSESSED USING CARE					
NON-METROPOLITAN COUNTIES**					
			ARC	EARC	AFH
D Med (11)	\$((75.67)) <u>77.18</u>	\$((80.51)) <u>82.12</u>	\$((61.55)) <u>62.78</u>	\$((61.55)) <u>62.78</u>	\$((68.59)) <u>69.96</u>
D High (12)	\$((93.65)) <u>95.52</u>	\$((98.49)) <u>100.46</u>	\$((76.80)) <u>78.34</u>	\$((76.80)) <u>78.34</u>	\$((77.88)) <u>79.44</u>

** Non-Metropolitan Counties: Adams, Asotin, Chelan, Clallam, Columbia, Cowlitz, Douglas, Ferry, Garfield, Grant, Grays Harbor, Jefferson, Kittitas, Klickitat, Lewis, Lincoln, Mason, Okanogan, Pacific, Pend Orielle, San Juan, Skagit, Skamania, Stevens, Wahkiakum, Walla Walla and Whitman.

AMENDATORY SECTION (Amending WSR 06-07-012, filed 3/3/06, effective 4/3/06)

WAC 388-105-0035 Requirements for a capital add-on rate for licensed boarding homes contracted to provide assisted living (AL) services. (1)~~((a))~~ To the extent ~~((of available funding))~~ funds are appropriated to pay a capital add-on rate to AL contractors, beginning July 1, 2006 and every July 1 thereafter, the department will ~~((grant))~~ pay a capital add-on rate to AL contractors that have a Medicaid occupancy percentage that equals or exceeds ~~((the applicable biyearly Medicaid minimum occupancy percentage set))~~ sixty percent as determined in accordance with subsection (2) and (3) of this section ~~((and meet the construction requirements in subsection (4) of this section))~~. The department will pay the capital add-on rate to those AL contractors meeting the sixty percent Medicaid occupancy percentage for a full fiscal year i.e., July 1 through June 30.

(2) The department will determine an AL contractor's Medicaid occupancy percentage by dividing its Medicaid resident days from the last six months of the calendar year preceding the applicable July 1 rate effective date by the product of the weighted average for all its licensed boarding home beds irrespective of use times the calendar days ~~(one hundred eighty-four)~~ for the same six-month period ~~((beginning one year prior to the percentage effective date))~~.

(3)~~((a))~~ To set the biyearly Medicaid minimum occupancy percentage, the department will:

(i) Determine the estimated total budgeted funds for capital add-on rates for the six-month period;

(ii) Rank from highest to lowest the individual AL contractor occupancy percentages determined in accordance with subsection (2) of this section;

(iii) Assign, beginning with the highest AL contractor's Medicaid occupancy percentage, the estimated expenditure needed to pay the capital add-on rate to each facility for the six-month period;

(iv) Identify the AL contractor's Medicaid occupancy percentage at which the estimated total budgeted funds determined under subsection (3)(a)(i) of this section would be expended; and

(v) Set that Medicaid occupancy percentage as the biyearly Medicaid minimum occupancy percentage.

(b) The biyearly Medicaid minimum occupancy percentage will be set every January 1 and July 1.

(4) To receive a capital add-on rate, the AL contractor that meets the Medicaid minimum occupancy percentage

established in accordance with subsection (2) and (3) of this section must:

(a) Attest in writing that it has units that meet the following requirements and that it places Medicaid residents in such units, ~~except the contractor need only place the Medicaid resident in a room with a roll-in shower when the resident's service plan and assessment details require the Medicaid resident to have a roll-in shower:~~

(i) A private apartment-like unit of two hundred and twenty square feet that may include counters, closets and built-ins, but must exclude the bathroom;

(ii) A separate private bathroom that includes a sink, toilet, and a shower or bathtub. The licensed boarding home must have a minimum of one wheelchair accessible bathroom with a roll-in shower of at least forty-eight inches by thirty inches for every two residents whose care is partially or fully funded by Medicaid;

(iii) A lockable entry door;

(iv) A kitchen area equipped with a refrigerator, microwave oven or stove top; a counter surface of a minimum of thirty inches wide by twenty-four inches in depth, a maximum height of thirty-four inches, and a knee space beneath at least twenty-seven inches in height; a storage space for utensils and supplies; and

(v) A living area wired for telephone and television service when available in the geographic location; or

(b) When the AL contractor does not have units that meet the requirements of subsection (4)(a) of this section, then the AL contractor may receive a capital add-on rate when its AL facility meets the definition of "new boarding home" in WAC 388-110-140(2)(a) or its AL facility is "grandfathered" under WAC 388-110-140(3)) For the purposes of this section, Medicaid resident days include those clients enrolled in Medicaid managed long-term care programs, including but not limited to the program for all inclusive care (PACE) and Medicaid/Medicare integration project (MMIP).

AMENDATORY SECTION (Amending WSR 06-07-013, filed 3/3/06, effective 4/3/06)

WAC 388-105-0045 Bed or unit hold - Medicaid resident discharged for a hospital or nursing home stay from an adult family home (AFH) or a boarding home ~~((with an))~~ contracted to provide adult residential care ~~((services))~~ (ARC), enhanced adult residential care ~~((services))~~ (EARC), or assisted living services (AL) ~~((contract))~~. (1) When an AFH, ARC, EARC, or AL contracts to provide ser-

vices under chapter 74.39A RCW, the AFH, ARC, EARC, and AL contractor must hold a Medicaid eligible resident's bed or unit when:

(a) Short-term care is needed in a nursing home or hospital;

(b) The resident is likely to return to the AFH, ARC, EARC, or AL; and

(c) Payment is made under subsection (3) of this section.

(2)(a) When the department pays the contractor to hold the Medicaid resident's bed or unit during the resident's short-term nursing home or hospital stay, the contractor must hold the ~~((unit or))~~ bed or unit for up to twenty days. If during the twenty day bed hold period, a department case manager determines that the Medicaid resident's hospital or nursing home stay is not short term and the Medicaid resident is unlikely to return to the AFH, ARC, EARC or AL facility, the department will cease paying for the bed hold the day the case manager notifies the contractor of his/her decision.

(b) A Medicaid resident's discharge from an AFH, ARC, EARC, or an AL facility for a short term stay in a nursing home or hospital must be longer than twenty-four hours before subsection (3) of WAC 388-105-0045 applies.

(3) The department will compensate the contractor for holding the bed or unit for the:

(a) First through seventh day at seventy percent of the medicaid daily rate paid for care of the resident before the hospital or nursing home stay; and

(b) Eighth through the twentieth day, at ~~((ten))~~ eleven dollars ~~((and seventy-eight cents))~~ a day.

(4) The AFH, ARC, EARC, or AL facility may seek third-party payment to hold a bed or unit for twenty-one days or longer. The third-party payment shall not exceed the Medicaid daily rate paid to the facility for the resident. If third-party payment is not available and the returning Medicaid resident continues to meet the admission criteria under chapter 388-71 and/or 388-106 WAC, then the Medicaid resident may return to the first available and appropriate bed or unit.

(5) The department's social worker or case manager determines whether the:

(a) Stay in a nursing home or hospital will be short-term; and

(b) Resident is likely to return to the AFH, ARC, EARC, or AL facility.

(6) When the resident's stay in the hospital or nursing home exceeds twenty days or the department's social worker or case manager determines that the Medicaid resident's stay in the nursing home or hospital is not short-term and the resident is unlikely to return to the AFH, ARC, EARC, or AL facility, then only subsection (4) of this section applies to any private contractual arrangements that the contractor may make with a third party in regard to the discharged resident's unit or bed.

Purpose: Amend current rules regarding smoking outside campus buildings where smoking is prohibited to comply with state law, clarify designation of identified outdoor smoking areas, and adjust infraction amount.

Citation of Existing Rules Affected by this Order: Amending WAC 106-124-910 and 106-124-920.

Statutory Authority for Adoption: RCW 28B.10.528 and 28B.35.120(12).

Adopted under notice filed as WSR 06-15-097 on July 17, 2006.

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 1, 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.

Date Adopted: September 8, 2006.

Elizabeth M. Street
Executive Assistant to the
President for Policy and Planning

AMENDATORY SECTION (Amending WSR 04-12-015, filed 5/24/04, effective 6/24/04)

WAC 106-124-910 Tobacco regulations. (1) The act(s) of smoking or chewing tobacco shall not be permitted inside any Central Washington University administrative or academic building or in identified external areas that may affect those people inside the administrative and academic buildings.

(2) Smoking is prohibited within ~~((twenty feet of administrative and academic buildings, except in designated areas determined by the vice-president for business and financial affairs or his or her designee))~~ a presumptively reasonable minimum distance of twenty-five feet from entrances, exits, windows that open, and ventilation intakes of campus buildings where smoking is prohibited so as to ensure that tobacco smoke does not enter the area through entrances, exits, open windows, or other means.

(3) Smoking will be allowed in identified outdoor smoking areas ~~((on campus))~~ in compliance with chapter 70.160 RCW. Signs will be posted to identify smoke-free buildings and, if a smoking area is designated, the location of that area. Smokers can request a designated area through the office of the vice-president for business and financial affairs. The local health officer may exempt designated smoking areas on campus from the twenty-five-foot minimum distance from entrances, exits, windows that open, and ventilation intakes of campus buildings where smoking is prohibited, upon application by the vice-president of business and financial

WSR 06-19-020

PERMANENT RULES

CENTRAL WASHINGTON UNIVERSITY

[Filed September 11, 2006, 11:02 a.m., effective October 12, 2006]

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

affairs and a finding that the public health and safety will be adequately protected by a lesser distance.

AMENDATORY SECTION (Amending WSR 04-12-015, filed 5/24/04, effective 6/24/04)

WAC 106-124-920 Tobacco use violations. Violations of tobacco use regulations may result in a ~~((fifty))~~ one hundred-dollar infraction and will be handled in accordance with RCW 70.160.070.

WSR 06-19-036

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed September 13, 2006, 4:25 p.m., effective October 14, 2006]

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

Purpose: These rules are necessary to amend the rules implementing ESSB 6090, section 205 (1)(e), 2005-2007 conference budget (chapter 518, Laws of 2005), which established a flexible family support pilot program for families who are providing care and support for family members with developmental disabilities. The family support pilot program is funded through June 30, 2007. These amendments will allow the reimbursement to parents who have purchased necessary goods or services. When effective, these rules replace the emergency rules filed as WSR 06-18-030 on August 28, 2006.

Citation of Existing Rules Affected by this Order: Amending WAC 388-825-560.

Statutory Authority for Adoption: RCW 71A.12.030, 71A.12.040.

Other Authority: Section 205 (1)(e), chapter 518, Laws of 2005; Title 71A RCW.

Adopted under notice filed as WSR 06-16-074 on July 28, 2006.

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 1, 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 1, Repealed 0.

Date Adopted: September 6, 2006.

Andy Fernando, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 06-06-040, filed 2/23/06, effective 3/26/06)

WAC 388-825-560 What department restrictions apply to FSP? The following department restrictions apply to FSP:

(1) FSP services are authorized only after you have accessed what is available to you under Medicaid, and any other private health insurance plan, school or child development services.

(2) All FSP service payments must be agreed to by DDD and the client in a written service plan.

(3) The department will contract directly with a service provider(s), or a parent for the reimbursement of goods or services purchased by the parent. FSP funding cannot be authorized for services or treatments determined by the department to be experimental.

(4) Your choice of qualified providers and services is limited to the most cost effective option that meets your assessed need.

(5) Respite care cannot be a replacement for child care while the parent or guardian is at work regardless of the age of the child.

(6) The department shall not authorize a birth parent, adoptive parent, stepparent or any other primary caregiver or their spouse living in the same household with the client to provide respite, nursing, therapy or counseling services.

(7) FSP will not pay for conference registrations.

(8) FSP will not pay for behavior management/counseling procedures, modifications, or equipment that are restrictive.

(9) FSP will not pay for services provided after the death of the eligible client. Payment may occur after the date of death, but not the service.

(10) FSP will not pay for employment services if you are under age twenty-one or are designated to receive DDD funded transition services.

WSR 06-19-037

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed September 13, 2006, 4:28 p.m., effective October 14, 2006]

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

Purpose: The purpose of this rule is to clarify that a client has the right to an administrative hearing if the department reduces or terminates services that were previously authorized through an exception to rule. When effective, these rules replace the emergency rules filed as WSR 06-18-094 on September 5, 2006.

Citation of Existing Rules Affected by this Order: Amending WAC 388-825-120.

Statutory Authority for Adoption: RCW 71A.12.030.

Adopted under notice filed as WSR 06-16-075 on July 28, 2006.

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.

Date Adopted: September 6, 2006.

Andy Fernando, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 05-17-135, filed 8/19/05, effective 9/19/05)

WAC 388-825-120 When can I appeal department decisions through an administrative hearing process? (1) Administrative hearings are governed by the Administrative Procedure Act (chapter 34.05 RCW), RCW 71A.10.050, the rules in this chapter and by chapter 388-02 WAC. If any provision in this chapter conflicts with chapter 388-02 WAC or WAC 388-440-0001(3), the provision in this chapter shall prevail.

(2) A client, former client, or applicant acting on the applicant's own behalf or through an authorized representative has the right to an administrative hearing.

(3) You have the right to an administrative hearing to dispute the following department actions:

(a) Authorization, denial, reduction, or termination of services;

(b) Reduction or termination of a service that was initially approved through an exception to rule;

(c) Authorization, denial, or termination of eligibility;

~~((e))~~ (d) Authorization, denial, reduction, or termination of payment of SSP authorized by DDD set forth in chapter 388-827 WAC;

~~((f))~~ (e) Admission or readmission to, or discharge from, a residential habilitation center;

~~((g))~~ (f) Refusal to abide by your request not to send notices to any other person;

~~((h))~~ (g) Refusal to comply with your request to consult only with you;

~~((i))~~ (h) A decision to move you to a different type of residential service;

~~((j))~~ (i) Denial or termination of the provider of your choice or the denial of payment for any reason listed in WAC 388-825-375 through 388-825-390;

~~((k))~~ (j) An unreasonable delay to act on an application for eligibility or service;

~~((l))~~ (k) A claim the client, former client, or applicant owes an overpayment debt.

WSR 06-19-045
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed September 15, 2006, 11:54 a.m., effective October 16, 2006]

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

Purpose: These rules implement changes to the references in fiscal rules concerning the certification and continuing education of certificated instructional staff, from Title 180 WAC under the state board of education to Title 181 WAC under the professional educator standards board. Other "housekeeping" updates include replacing the term "vocational" with the term "vocational/career and technical education," clarification of "certificated employee," and foreign credits evaluation.

Citation of Existing Rules Affected by this Order: Amending WAC 392-121-200, 392-121-249, 392-121-250, 392-121-257, 392-121-259, 392-121-261, 392-121-262, 392-121-264, 392-121-270, and 392-121-280.

Statutory Authority for Adoption: RCW 28A.150.290 (1).

Adopted under notice filed as WSR 06-13-005 on June 8, 2006.

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 10, 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.

Date Adopted: September 15, 2006.

Dr. Terry Bergeson
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending Order 88-8, filed 1/11/88)

WAC 392-121-200 Definition—Certificated employee. As used in this chapter, "certificated employee" means:

(1) A person who holds a professional education certificate issued by the superintendent of public instruction and who is employed by a school district in a position for which such certificate is required by statute, rule of the ~~((state board of education))~~ professional educator standards board, or written policy or practice of the employing school district; or

(2) A superintendent or a person hired to fill a position designated as, or which is, in fact, deputy superintendent or assistant superintendent.

AMENDATORY SECTION (Amending WSR 94-01-190, filed 12/22/93, effective 1/22/94)

WAC 392-121-249 Definition—Regionally accredited institution of higher education. As used in this chapter, "regionally accredited institution of higher education" means the same as defined in WAC ((~~180-78-010(6)~~) 181-78A-010(6)).

AMENDATORY SECTION (Amending WSR 94-01-190, filed 12/22/93, effective 1/22/94)

WAC 392-121-250 Definition—Highest degree level. As used in this chapter, the term "highest degree level" means:

- (1) The highest degree earned by the employee from a regionally accredited institution of higher education;
- (2) "Nondegreed" for a certificated instructional employee who holds no bachelor's or higher level degree; or
- (3) "Nondegreed" for a certificated instructional employee who holds a valid vocational/career and technical education certificate acquired as the result of industrial experience rather than college training, and who has a degree earned from a regionally accredited institution of higher education prior to the issue of the initial vocational/career and technical education certificate, which is incidental to or not related to the vocational/career and technical education certificate.

AMENDATORY SECTION (Amending WSR 02-22-065, filed 11/1/02, effective 12/2/02)

WAC 392-121-257 Definition—In-service credits. As used in this chapter, "in-service credits" means credits determined as follows:

- (1) Credits are earned:
 - (a) After August 31, 1987; and
 - (b) After the awarding or conferring of the employee's first bachelor's degree.
- (2) Credits are earned on or before October 1 of the year for which allocations are being calculated pursuant to this chapter.
- (3) Credits are earned in either:
 - (a) A locally approved in-service training program which means a program approved by a school district board of directors, and meeting standards adopted by the ((~~state board of education~~) professional educator standards board) pursuant to the standards in WAC ((~~180-85-200~~) 181-85-200) and the development of which has been participated in by an in-service training task force whose membership is the same as provided under RCW 28A.415.040; or
 - (b) A state approved continuing education program offered by an education agency approved to provide in-service for the purposes of continuing education as provided for under rules adopted by the ((~~state board of education~~) professional educator standards board) pursuant to chapter ((~~180-85~~) 181-85) WAC.
- (4) Credits are not earned for the purpose of satisfying the requirements of the employee's next highest degree.
- (5) Credits earned after September 1, 1995, must satisfy the additional requirements of WAC 392-121-262.

(6) Credits are not counted as academic credits pursuant to WAC 392-121-255 or nondegree credits pursuant to WAC 392-121-259.

(7) Ten locally approved in-service or state approved continuing education credit hours defined in WAC ((~~180-85-030~~) 181-85-030) equal one in-service credit.

(8) Each forty hours of participation in an approved internship with a business, industry, or government agency pursuant to chapter ((~~180-83~~) 181-83) WAC equals one in-service credit.

(a) No more than two in-service credits may be earned as a result of an internship during any calendar-year period.

(b) Each individual is limited to a maximum of fifteen in-service credits earned from internships.

(9) Accumulate credits rounded to one decimal place.

AMENDATORY SECTION (Amending WSR 02-22-065, filed 11/1/02, effective 12/2/02)

WAC 392-121-259 Definition—Nondegree credits. As used in this chapter, "nondegree credits" means credits recognized for nondegreed certificated instructional employees as follows:

(1) Zero credits shall be recognized for persons holding a valid certificate other than a certificate included in subsection (2) or (3) of this section.

(2) Thirty credits shall be recognized for persons holding a valid continuing or standard school nurse certificate.

(3) Persons holding valid vocational/career and technical education certificates as provided for in chapter ((~~180-77~~) 181-77) WAC shall accumulate recognized credits as follows:

(a) One credit for each one hundred clock hours of occupational experience as defined in WAC ((~~180-77-003(7)~~) 181-77-003(7)) such that each calendar year is limited to a maximum of twenty credits. Clock hours of occupational experience used in determining nondegree credits must be earned after meeting the minimum vocational/career and technical education certification requirements as established in WAC ((~~180-77-041~~) 181-77-041) (1)(a).

(b) One credit for each ten clock hours of vocational/career and technical education educator training meeting the requirements of WAC ((~~180-77-003~~) 181-77-003) (2), (9), or (12). Clock hours of vocational/career and technical education educator training used in determining nondegree credits must be earned after meeting the minimum vocational/career and technical education certification requirements as established in WAC ((~~180-77-041~~) 181-77-041) (1)(b) and (c).

(4) Credits earned after September 1, 1995, must satisfy the additional requirements of WAC 392-121-262.

(5) Accumulate credits rounded to one decimal place.

AMENDATORY SECTION (Amending Order 95-09, filed 10/18/95, effective 11/18/95)

WAC 392-121-261 Definition—Total eligible credits. As used in this chapter, "total eligible credits" means the total number of credits determined as follows:

(1) For an employee whose highest degree is a bachelor's degree, sum:

(a) Academic and in-service credits; and

(b) Nondegree credits, determined pursuant to WAC 392-121-259 and reported on Report S-275 prior to the awarding of the bachelor's degree for vocational/career and technical education instructors who obtain a bachelor's degree while employed in the state of Washington as a non-degreed vocational/career and technical education instructor.

(2) For an employee whose highest degree is a master's degree, sum:

(a) Academic and in-service credits in excess of forty-five earned after the awarding or conferring of the bachelor's degree and prior to the awarding or conferring of the master's degree; and

(b) Academic and in-service credits earned after the awarding or conferring of the master's degree.

(3) For a nondegreed employee sum only nondegree credits.

AMENDATORY SECTION (Amending WSR 05-22-008, filed 10/20/05, effective 1/1/06)

WAC 392-121-262 Definition—Additional criteria for all credits. Credits earned after September 1, 1995, must satisfy the following criteria in addition to those found in WAC 392-121-255, 392-121-257, and 392-121-259:

(1) At the time credits are recognized by the school district the content of the course must meet at least one of the following:

(a) It is consistent with a school-based plan for mastery of student learning goals as referenced in RCW 28A.655.110, the annual school performance report, for the school in which the individual is assigned;

(b) It pertains to the individual's current assignment or expected assignment for the following school year;

(c) It is necessary for obtaining endorsement as prescribed by the Washington professional educator standards board;

(d) It is specifically required for obtaining advanced levels of certification;

(e) It is included in a college or university degree program that pertains to the individual's current assignment or potential future assignment as a certificated instructional staff; or

(f) It addresses research-based assessment and instructional strategies for students with dyslexia, dysgraphia, and language disabilities when addressing learning goal one under RCW 28A.150.210, as applicable and appropriate for individual certificated instructional staff;

(2) Credits which have been determined to meet one or more of the criteria in subsection (1) of this section shall continue to be recognized in subsequent school years and by subsequent school district employers; and

(3) Credits not recognized in a school year may be recognized in a subsequent school year if there is a change in the qualifying criteria such as a change in (~~state board of education~~) professional educator standards board rules, a change in the district's strategic plan, a change in the school-based plan for the school in which the individual is assigned, a change in the individual's assignment, or a change in the individual's employer.

AMENDATORY SECTION (Amending WSR 02-22-065, filed 11/1/02, effective 12/2/02)

WAC 392-121-264 Definition—Certificated years of experience. Regardless of the experience factors used by a school district for the purposes of its salary schedule(s), as used in this chapter, the term "certificated years of experience" means the number of years of accumulated full-time and part-time professional education employment prior to the current reporting school year in the state of Washington, out-of-state, and a foreign country. School districts shall report all certificated years of experience including those beyond the experience limit of the school district's salary schedule.

(1) Professional education employment shall be limited to the following:

(a) Employment in public or private preschools or elementary and secondary schools in positions which require certification where:

(i) Schools include the Centrum education program, the Pacific Science Center education program, and educational centers authorized under chapter 28A.205 RCW;

(ii) Certification means the concurrent public professional education licensing requirements established in the state, province, country, or other governmental unit in which employment occurred and which, for the state of Washington, refers to the certificates authorized by WAC (~~(180-79A-140)~~) 181-79A-140 and temporary permits authorized by WAC (~~(180-79A-128)~~) 181-79A-128;

(b) Employment in public or private vocational-technical schools, technical colleges, community/junior colleges, colleges, and universities in positions comparable to those which require certification in Washington school districts;

(c) Employment in a governmental educational agency with regional administrative responsibilities for preschool, elementary, and/or secondary education including but not limited to an educational service district, office of the superintendent of public instruction, or United States department of education in any professional position including but not limited to C.P.A., architect, business manager, or physician;

(d) Experience in the following areas:

(i) Military, Peace Corps, or Vista service which interrupted professional education employment included in (a), (b), or (c) of this subsection; and

(ii) Sabbatical leave.

(e) For nondegreed vocational/career and technical education instructors, up to a maximum of six years of management experience as defined in WAC (~~(180-77-003)~~) 181-77-003 acquired after the instructor meets the minimum vocational/career and technical education certification requirements established in WAC (~~(180-77-041)~~) 181-77-041 (1)(a). If a degree is obtained while employed in the state of Washington as a nondegreed vocational/career and technical education instructor, the eligible years of management experience pursuant to this subsection reported on Report S-275 prior to the awarding of the degree shall continue to be reported but shall not increase.

(2) Years of full-time and part-time professional education employment prior to the current reporting school year are accumulated as follows:

(a) For each professional education employment which is not employment as a casual substitute pursuant to subsection (1)(a) of this section;

(i) Determine the total number of hours per year for an employee working full-time with each employer;

(ii) Determine the number of hours per year with each employer excluding unpaid leave;

(iii) Calculate the quotient of the hours determined in (a)(ii) of this subsection divided by the hours in (a)(i) of this subsection rounded to two decimal places for each year.

(b) For professional education employment as a casual substitute pursuant to subsection (1)(a) of this section:

(i) Determine the total number of full-time equivalent substitute days per year;

(ii) Calculate the quotient of full-time equivalent days determined in (b)(i) of this subsection divided by 180 rounded to two decimal places for each year.

(c) No more than 1.0 year may be accumulated in any traditional nine-month academic year or any twelve-month period.

(i) Accumulate, for each year, professional education employment calculated in (a)(iii) and (b)(ii) of this subsection.

(ii) Determine the smaller of the result in (c)(i) of this subsection or 1.00 for each year.

(d) Determine certificated years of experience as the accumulation of all years of professional education employment calculated in (c)(ii) of this subsection and report such years rounded to one decimal place.

AMENDATORY SECTION (Amending WSR 02-22-065, filed 11/1/02, effective 12/2/02)

WAC 392-121-270 Placement of certificated instructional employees on LEAP salary allocation documents. Each certificated instructional employee shall be placed on LEAP salary allocation documents based on the employee's highest degree level, total eligible credits, and certificated years of experience each defined in this chapter provided that:

(1) If an employee holds more than one degree of the same level, additional credits shall be counted after the first degree.

(2) An employee whose highest degree is a bachelor's degree, whose total eligible credits are ninety or greater, and whose total eligible credits earned prior to January 1, 1992, were less than one hundred thirty-five shall be placed on the BA + 90 column.

(3) An employee whose highest degree level is nondegreed shall be placed on the BA columns except that such persons holding valid vocational/career and technical education certificates with one hundred thirty-five or more eligible credits shall be placed on the MA + 0 column.

(4) A vocational/career and technical education instructor who obtains a bachelor's degree while employed in the state of Washington as a nondegreed vocational/career and technical education instructor and for whom one hundred thirty-five or more eligible credits determined pursuant to WAC 392-121-259 were reported on Report S-275 prior to the awarding of that bachelor's degree shall continue to be

placed on the MA + 0 column and shall not advance to any other column unless a master's degree is obtained.

(5) For placement on LEAP salary allocation documents, total eligible credits and certificated years of experience shall be rounded to the nearest whole number. One-half credit or year shall be rounded to the next highest credit or year.

AMENDATORY SECTION (Amending WSR 02-22-065, filed 11/1/02, effective 12/2/02)

WAC 392-121-280 Placement on LEAP salary allocation documents—Documentation required. School districts shall have documentation on file and available for review which substantiates each certificated instructional employee's placement on LEAP salary allocation documents. The minimum requirements are as follows:

(1) Districts shall document the date of awarding or conferring of the highest degree including the date upon which the degree was awarded or conferred as recorded on the diploma or transcript from the registrar of the regionally accredited institution of higher education.

(a) If the highest degree is a master's degree, the district shall also document the date of awarding or conferring of the first bachelor's degree.

(b) If the degree was awarded by an institution which does not confer degrees after each term, and all degree requirements were completed at a time other than the date recorded on the diploma or transcript, a written statement from the registrar of the institution verifying a prior completion date shall be adequate documentation.

(c) If the degree program was completed in a country other than the United States documentation must include a written statement of degree equivalency for the appropriate degree from a foreign credentials' evaluation agency approved by the office of superintendent of public instruction.

(2) Districts shall document academic credits by having on file a transcript from the registrar of the regionally accredited institution of higher education granting the credits. For purposes of this subsection:

(a) An academic credit is deemed "earned" at the end of the term for which it appears on the transcript: Provided, That a written statement from the registrar of the institution verifying a prior earned date may establish the date a credit was earned;

(b) Washington state community college credits numbered one hundred and above are deemed transferable for purposes of WAC 392-121-255(4) subject to the limitations of that same subsection;

(c) Credits are not deemed "earned" at an institution of higher education which transfers-in credits. Such credits must be documented using a transcript from the initial granting institution and are subject to all the limitations of WAC 392-121-255; ~~(and)~~

(d) If the credits were completed in a country other than the United States, documentation must include a written statement of credit equivalency for the appropriate credits from a foreign credentials' evaluation agency approved by the office of superintendent of public instruction; and

(e) For credits earned after September 1, 1995, districts shall document that the course content meets one or more of the criteria of WAC 392-121-262(1). At a minimum, such documentation must include a dated signature of the immediate principal, supervisor, or other authorized school district representative and must be available to the employee's future employers.

(3) Districts shall document in-service credits;

(a) By having on file a document meeting standards established in WAC (~~(180-85-107)~~) 181-85-107; and

(b) For credits earned after September 1, 1995, districts shall document that the course content meets one or more of the criteria of WAC 392-121-262(1). At a minimum, such documentation must include a dated signature of the immediate principal, supervisor, or other authorized school district representative and must be available to the employee's future employers.

(4) Districts shall document nondegree credits.

(a) For vocational/career and technical education educator training credits pursuant to WAC 392-121-259(3) districts shall have on file a document meeting standards established in WAC (~~(180-85-107)~~) 181-85-107 and evidence that the training was authorized pursuant to WAC (~~(180-77-003)~~) 181-77-003 (2), (9), or (12).

(b) For credits calculated from converted occupational experience pursuant to WAC 392-121-259(3) districts shall have on file documents which provide:

(i) Evidence that the occupational experience meets the requirements of WAC (~~(180-77-003(7))~~) 181-77-003(7);

(ii) Evidence of the individual's actual number of hours of employment for each year including dates of employment; and

(iii) The district calculation of converted credits pursuant to WAC 392-121-259(3).

(c) For credits earned after September 1, 1995, districts shall document that the course content meets one or more of the criteria of WAC 392-121-262(1). At a minimum, such documentation must include a dated signature of the immediate principal, supervisor, or other authorized school district representative and must be available to the employee's future employers.

(5) Districts shall document certificated years of experience as follows:

(a) For certificated years of experience obtained and reported on Report S-275 prior to the 1994-95 school year districts shall have on file documents that provide evidence of employment including dates of employment.

(b) For certificated years of experience reported on Report S-275 for the first time after the 1993-94 school year districts shall have on file:

(i) The total number of hours per year for an employee working full-time with each employer;

(ii) The number of hours per year and dates of employment with each employer excluding unpaid leave: Provided, That documentation of hours in excess of one full-time certificated year of experience in any twelve-month period is not required;

(iii) The quotient of the hours determined in (b)(ii) of this subsection divided by the hours in (b)(i) of this subsection rounded to two decimal places for each year;

(iv) The name and address of the employer;

(v) For those counting out-of-district experience pursuant to WAC 392-121-264 (1)(a), evidence whether or not the position required professional education certification pursuant to WAC 392-121-264 (1)(a)(ii);

(vi) For those counting experience pursuant to WAC 392-121-264 (1)(b), a brief description of the previous employment which documents the school district's decision that the position was comparable to one requiring certification in the Washington school districts;

(vii) For those counting management experience pursuant to WAC 392-121-264 (1)(e), evidence that the experience meets the requirements of WAC (~~(180-77-003(6))~~) 181-77-003(6).

(6) Any documentation required by this section may be original or copies of the original: Provided, That each copy is subject to school district acceptance or rejection.

(7) The falsification or deliberate misrepresentation, including omission of a material fact concerning degrees, credits, or experience by an education practitioner as defined in WAC (~~(180-87-035)~~) 181-87-035 shall be deemed an act of unprofessional conduct pursuant to WAC (~~(180-87-050)~~) 181-87-050. In such an event the provisions of chapters (~~(180-86 and 180-87)~~) 181-86 and 181-87 WAC shall apply.

WSR 06-19-058

PERMANENT RULES

DEPARTMENT OF CORRECTIONS

[Filed September 18, 2006, 10:16 a.m., effective October 19, 2006]

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

Purpose: The department previously did not maintain a record index due to the administrative burden. The department now maintains such an index.

Citation of Existing Rules Affected by this Order: Amending WAC 137-08-180.

Statutory Authority for Adoption: RCW 72.01.090.

Adopted under notice filed as WSR 06-07-023 on April 5 [March 7], 2006.

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; and 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 1, Repealed 0.

Date Adopted: September 15, 2006.

H. W. Clarke
Secretary

AMENDATORY SECTION (Amending Order 82-3, filed 1/26/82)

WAC 137-08-180 Records index. ~~((1) The department finds that it would be unduly burdensome and would interfere with agency operations to maintain an index of records because of the complexity and diversity of its operations and the resulting volume of manuals, correspondence, reports, surveys, staff studies, and other materials.~~

(2) The department will make available for public disclosure all indices which may at a future time be developed for agency use.) The record index may be accessed on the department's web site in the public disclosure section at: <http://www.doc.wa.gov/PublicDisclosure/PublicDisclosure.htm>.

WSR 06-19-062

PERMANENT RULES

DEPARTMENT OF PERSONNEL

[Filed September 19, 2006, 8:11 a.m., effective October 20, 2006]

Effective Date of Rule: October 20, 2006.

Purpose: The purpose of these rules is to explain what must be included in the required supervisory or managerial training and what is the responsibility of general government employers to provide training and development to WMS employees.

Citation of Existing Rules Affected by this Order: Amending WAC 357-34-065, 357-34-090, and 357-58-385.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 06-16-100 on August 1, 2006.

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 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 0.

Date Adopted: September 18, 2006.

Eva N. Santos

Director

AMENDATORY SECTION (Amending WSR 05-01-195, filed 12/21/04, effective 7/1/05)

WAC 357-34-065 What must be included in the required supervisory or managerial training? (1) At a minimum, the entry-level supervisory or managerial training

required by WAC 357-34-055 must include all of the following topics:

~~((1))~~ (a) The role and legal responsibilities of a supervisor/manager.

~~((2))~~ (b) Performance management, including employee performance evaluation, development, counseling or coaching, and discipline.

(c) Compensation practices.

(d) Recruitment and selection processes and practices.

(e) Labor relations practices and processes.

~~((3) Employee motivation, recognition, and rewards.)~~

~~((4) Communication skills and principles.)~~

~~((5) Leadership styles and methods.)~~

(2) In addition, supervisors and managers may also receive training on other topics identified by the employer.

AMENDATORY SECTION (Amending WSR 05-01-195, filed 12/21/04, effective 7/1/05)

WAC 357-34-090 Who provides the required supervisory or managerial training? The department provides training activities to fulfill the requirement in WAC 357-34-055 and/or consultative services, as requested, to assist ~~((the))~~ employers ~~((to))~~ in development of their own programs. Employer-developed training must satisfy the requirements of WAC 357-34-060 and 357-34-065.

AMENDATORY SECTION (Amending WSR 05-12-070, filed 5/27/05, effective 7/1/05)

WAC 357-58-385 What is the responsibility of general government employers to provide training and development to WMS employees? ~~((In addition to those responsibilities identified in chapter 357-34 WAC, general government employers must provide WMS development and training opportunities specifically designed to refine and broaden managerial knowledge and leadership competencies. Diversity, performance management, and education for managing employees in a civil service system must be part of this training. WMS employees must complete the core curriculum on leadership competencies as determined by the department of personnel within eighteen months of being appointed to a WMS position.))~~ General government employers must provide all WMS employees development and training opportunities designed to broaden managerial and leadership competencies. Diversity and performance management must be part of this training. WMS employees who supervise staff must meet the requirements in chapter 357-34 WAC.

WSR 06-19-063

PERMANENT RULES

DEPARTMENT OF PERSONNEL

[Filed September 19, 2006, 8:11 a.m., effective October 20, 2006]

Effective Date of Rule: October 20, 2006.

Purpose: The purpose of these rules is to line up the definitions of "child" and "parent" with the definitions found in chapter 49.78 RCW.

Citation of Existing Rules Affected by this Order:
Amending WAC 357-01-072 and 357-01-227.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 06-16-099 on August 1, 2006.

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 2, 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 2, Repealed 0.

Date Adopted: September 18, 2006.

Eva N. Santos
Director

AMENDATORY SECTION (Amending WSR 05-12-093, filed 5/27/05, effective 7/1/05)

WAC 357-01-072 Child. A biological, adopted, or foster child, or a stepchild((-)), a legal ward, or a child of a person standing in loco parentis, who is:

(1) under eighteen years of age; or

(2) eighteen years of age or older and incapable of self-care because of a mental or physical disability.

AMENDATORY SECTION (Amending WSR 05-12-093, filed 5/27/05, effective 7/1/05)

WAC 357-01-227 Parent. A biological or adoptive parent of an employee or an individual who stood *in loco parentis* to an employee when the employee was a child. A person who had day-to-day responsibilities to care for and financially support the employee when he or she was a child is considered to have stood *in loco parentis* to the employee.

WSR 06-19-064

PERMANENT RULES

DEPARTMENT OF PERSONNEL

[Filed September 19, 2006, 8:12 a.m., effective October 20, 2006]

Effective Date of Rule: October 20, 2006.

Purpose: The purpose of these rules is to ensure that department of personnel complies with the provisions of state law on public disclosure.

Citation of Existing Rules Affected by this Order:
Amending WAC 357-07-005 What is the purpose of this chapter?, 357-07-010 What definitions apply to public records?, 357-07-015 How does the department index its records?, 357-07-020 How can I obtain a copy of the depart-

ment's records index?, 357-07-025 How do I request to inspect or get a copy of a public record?, 357-07-030 How will the department respond to my request?, 357-07-035 What happens if the department determines that all or part of a requested public record is exempt from disclosure?, 357-07-050 What is the fee to copy a public record?, 357-07-060 When is the department of personnel permitted to dispose of public records?, 357-07-065 How is the department of personnel organized?, and 357-07-070 What is the department of personnel's general method of operation?

Statutory Authority for Adoption: [Chapter 41.06 RCW.]

Adopted under notice filed as WSR 06-16-103 on August 1, 2006.

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 11, 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 11, Repealed 0.

Date Adopted: September 18, 2006.

Eva N. Santos
Director

AMENDATORY SECTION (Amending WSR 05-01-202, filed 12/21/04, effective 7/1/05)

WAC 357-07-005 What is the purpose of this chapter? The purpose of this chapter is to ensure that the department of personnel complies with the provisions of state law on public disclosure, chapter ((42-17)) 42.56 RCW. The statutes that specifically address public records are found in RCW ((42-17-250)) 42.56.001 through ((42-17-348)) 42.56.902.

AMENDATORY SECTION (Amending WSR 05-01-202, filed 12/21/04, effective 7/1/05)

WAC 357-07-010 What definitions apply to public records? Terms defined in the State Public Records Act, chapter ((42-17)) 42.56.010 RCW, have the same meaning when used in these rules.

AMENDATORY SECTION (Amending WSR 05-01-202, filed 12/21/04, effective 7/1/05)

WAC 357-07-015 How does the department index its records? (1) The department maintains and makes available for public inspection and copying an index that provides identifying information for public records as described in RCW ((42-17-260)) 42.56.070(3).

~~(2) ((The index is maintained in electronic form with copies available on paper.))~~ The index includes:

- (a) Personnel Resource Board decisions;
- (b) Department of Personnel (DOP) Strategic Plan;
- (c) Washington Management Service Strategic Plan;
- (d) Administrative Staff Manuals;
- (e) DOP Employee Survey;
- (f) DOP Affirmative Action Plan;
- (g) DOP Internal Policies;
- (h) Director's Reviews;
- (i) Director's Meeting Minutes;
- (j) Referrals; and
- (k) Registers

~~(3) ((The index contains topic and subtopic headings that people can use to facilitate finding a specific public record.))~~ The index is available to the public on the same basis as other public records.

~~(4) ((The index is available to the public on the same basis as other public records.))~~ The department revises and updates the index monthly.

~~((5) The department revises and updates the index biennially.))~~

AMENDATORY SECTION (Amending WSR 05-01-202, filed 12/21/04, effective 7/1/05)

WAC 357-07-020 How can I obtain a copy of the department's records index? ~~((The department makes copies of the index available at no charge upon request to the agency public records officer at:))~~ The index can be found at: <http://www.dop.wa.gov/>. A paper copy will be available upon request to the agency public disclosure coordinator:

Public ~~((Records Officer))~~ Disclosure Coordinator
 Washington State Department of Personnel
 521 Capitol Way South
 PO Box 47500
 Olympia, Washington 98504
 Email: publicrecords@dop.wa.gov

Reviser's note: The unnecessary underscoring 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 05-01-202, filed 12/21/04, effective 7/1/05)

WAC 357-07-025 How do I request to inspect or get a copy of a public record? (1) ~~((All requests))~~ Requests for public records ((must)) may be ((submitted)) made in writing, ((to the department public records officer)) by email, fax, or orally to the public disclosure coordinator at:

Public ~~((Records Officer))~~ Disclosure Coordinator
 Washington State Department of Personnel
 521 Capitol Way South
 PO Box 47500
 Olympia, Washington 98504
 Email: publicrecords@dop.wa.gov
 Fax: 360-586-4694
 Phone: 360-664-6318

~~((The department will not accept public records requests via e-mail unless such a request is approved in advance by the director, the public records officer, or an authorized designee.))~~

~~(2) ((Public records requests must contain the following information:))~~ A form is available at <http://www.dop.wa.gov/> for a public records request but is not required as long as the request contains the following information:

- (a) The name, address and telephone number of the person requesting the record;
- (b) The date on which the request is being made;
- (c) A description of the record(s) requested;
- (d) If the requested record is referenced in a current department of personnel index, a reference to the record as described in the index; and

(e) If the request is for a list of individuals, the requester must certify that the information will not be used for commercial purposes except as permitted by RCW ~~((42.17.260))~~ 42.56.070(9).

~~((3) If the requester desires, the department will provide a form to be used for public record requests.))~~

~~((4))~~ (3) The public ((records officer or designee)) disclosure coordinator will assist members of the public to clarify a request or to identify specific records or types of records. The department may require a requester to provide additional information to sufficiently identify records or to determine whether a lawful exemption applies.

AMENDATORY SECTION (Amending WSR 05-01-202, filed 12/21/04, effective 7/1/05)

WAC 357-07-030 How will the department respond to my request? ~~((1))~~ Within five days of receiving a public records request, the department will respond and either:

- ~~((a))~~ (1) Make the requested record(s) available;
- (2) Make the requested record(s) available on a partial or installment basis as records that are part of a larger set of requested records are assembled or made ready for inspection or disclosure.

~~((b))~~ (3) Deny all or part of the request as described in WAC 357-07-070; or

~~((c))~~ (4) Acknowledge receipt of the request and estimate the reasonable time period needed to respond to the request as permitted by RCW ~~((42.17.320))~~ 42.56.

~~((2) The director or designee within two working days of the denial will review denials of requests for public records.))~~

AMENDATORY SECTION (Amending WSR 05-01-202, filed 12/21/04, effective 7/1/05)

WAC 357-07-035 What happens if the department determines that all or part of a requested public record is exempt from disclosure? (1) The department must determine whether all or any portion of a requested public record is exempt from disclosure under chapter ~~((42.17))~~ 42.56 RCW or other applicable law.

(2) The ~~((public records officer))~~ department may delete information from any record before permitting public inspection or copying if the information is exempt from disclosure according to ~~((RCW 42.17.310, another section of chapter~~

42.17)) 42.56 RCW or other applicable law. After such data is deleted, the remainder of the record must be made available.

(3) The department must accompany any denial of a requested public record, or portion of a record, with a written statement specifying the reason for the denial. The statement must include a reference to the specific exemption in chapter ((42.17)) 42.56 RCW ((that)) or other applicable law which authorizes withholding the record or portion of the record, and a brief explanation of how the exemption applies to the material being withheld.

AMENDATORY SECTION (Amending WSR 05-01-202, filed 12/21/04, effective 7/1/05)

WAC 357-07-050 What is the fee to copy a public record? (1) The department makes copies of its rules available at no charge. Otherwise, the following fees apply:

(a) Fifteen cents per page for copies of public records exceeding 25 pages; or

(b) The actual cost of postage or delivery and for duplicating tape recordings, videotapes, photographs, slides, disks, or similar media.

(2) Charges are ordinarily payable at the time copies are furnished and must be paid with a money order or cashier's check; cash, credit cards, and personal checks are not an acceptable form of payment. ((If copying costs are expected to exceed fifty dollars, the department may request payment in advance of making copies.)) The department may require a deposit in an amount not to exceed ten percent of the estimated cost of providing copies for a request.

(3) The public ((records officer)) disclosure coordinator may waive any of the foregoing fees for good cause, including but not limited to circumstances when total copying costs would be negligible.

AMENDATORY SECTION (Amending WSR 05-01-202, filed 12/21/04, effective 7/1/05)

WAC 357-07-060 When is the department of personnel permitted to dispose of public records? Public records as defined in RCW 40.14.010 or ((42.17.020)) 42.56.010 are the property of the state of Washington and may only be disposed of as authorized by the state records committee under chapter 40.14 RCW.

AMENDATORY SECTION (Amending WSR 05-01-202, filed 12/21/04, effective 7/1/05)

WAC 357-07-065 How is the department of personnel organized? The staff is organized in ((five)) six general areas:

(1) Personnel services; ((which)) provides consultation and services related to recruitment, assessment, affirmative action, human resources, salary surveys, compensation plan administration, and classification to state agencies, institutions of higher education, and related higher education boards.

(2) ((Human resource development services)) Organization and employee services (located at 600 South Franklin Street, Olympia, Washington); ((which)) provides consulta-

tion on human resource development activities to agencies, training which is interagency in scope, and guidelines for agency planning and evaluation of human resource development.

(3) Administrative services; ((which provides departmental fiscal management, facilities, agency personnel services, affirmative action, client relations, and labor relations services.)) provides support services for facilities and supplies, financial services including payroll and travel, duplicating and mailroom services, Combined Fund Drive, and administers the statewide employee survey. Within the administrative division, the employee advisory service (EAS) offices are at the following locations: 3400 Capitol Boulevard, Olympia, Washington; 613 - 19th Avenue E., Suite 101, Seattle, Washington; and at Suite 604, Northtown Office Building, Spokane, Washington.

(4) ((Client and employee relations services which provides general human resource consulting services and organizational development services.)) Legal Affairs: provides affirmative action consultation, rule interpretation, labor/employment discrimination guidance, legislative services and responds to requests for public records. Provides director's review and appeal services (located at 2828 Capitol Blvd., Olympia, Washington), processes and adjudicates requests for director's reviews and provides administrative support for Personnel Resources Board appeals.

(5) ((Human resources information services (located at Building #1, Rowsix, 4224 6th Avenue, Lacey, Washington) which administers the central personnel/payroll and insurance eligibility computer systems.)) Director's office: provides agency leadership, internal human resources, planning and performance, communication services, and operational support.

(6) Human resources information services (located at Building #1, Rowsix, 4424 6th Avenue, Lacey, Washington): administers the central personnel/payroll and insurance eligibility computer systems.

AMENDATORY SECTION (Amending WSR 05-01-202, filed 12/21/04, effective 7/1/05)

WAC 357-07-070 What is the department of personnel's general method of operation? (1) Agency business is conducted as described in chapters 41.04 and 41.06 RCW, and Title 357 WAC.

(2) All interested parties may participate in formulation of agency rules. The department is required to provide twenty days notice of formal action by the director or the personnel resources board on any rule, classification plan, or compensation plan.

(3) For matters other than rule making under the Administrative Procedure Act, chapter 34.05 RCW or quasi-judicial matters as defined in RCW 42.30.140(2), the presiding officer of the governing body of a public agency or a majority of the board members may call a special meeting upon twenty-four hour notice as provided in the Open Public Meetings Act, RCW 42.30.080.

(4) Before rule proposals are made to the board or director, department staff may conduct informal work sessions as necessary to ensure representation from interested parties.

(5) The department must conduct all business in accessible facilities and in a manner that reasonably accommodates the needs of disabled persons.

WSR 06-19-065
PERMANENT RULES
DEPARTMENT OF PERSONNEL

[Filed September 19, 2006, 8:13 a.m., effective October 20, 2006]

Effective Date of Rule: October 20, 2006.

Purpose: The purpose of these rules is to describe how department of personnel must inform applicants of recruitments and of their examination results.

Citation of Existing Rules Affected by this Order: Amending WAC 357-16-025 and 357-16-100.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 06-16-101 on August 1, 2006.

Changes Other than Editing from Proposed to Adopted Version: In WAC 357-16-025 the word "sourcing" was used. It was determined that this work [word] caused confusion so the language was changed but the intend [intent] remained the same.

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 2, 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 2, Repealed 0.

Date Adopted: September 18, 2006.

Eva N. Santos
Director

AMENDATORY SECTION (Amending WSR 05-01-200, filed 12/21/04, effective 7/1/05)

WAC 357-16-025 How must employers and the department inform prospective applicants of recruitments? Employers and the department may recruit without notice by searching for job seekers who have registered in the talent pool maintained by the department. If the department or employer does not recruit job seekers from the central talent pool, ((#))notice of recruitment must be issued publicly. The notice must specify the period of recruitment ((and include information about the length of time eligible applicants will be retained in a pool)).

AMENDATORY SECTION (Amending WSR 05-01-200, filed 12/21/04, effective 7/1/05)

WAC 357-16-100 ((How soon m))Must employers ((notify applicants of their)) make final examination results available to an applicant? ~~((Employers must notify applicants in writing of their final examination results within a reasonable time period as determined by the employer. For purposes of this rule, written notice may be provided using alternative methods such as e-mail, campus mail, the state mail service, or commercial parcel delivery in accordance with WAC 357-04-105.))~~ An applicant's final examination results must be made available within a reasonable time period as determined by the employer.

WSR 06-19-073
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed September 19, 2006, 9:30 a.m., effective January 1, 2007]

Effective Date of Rule: January 1, 2007.

Purpose: Portions of chapter 296-24 WAC, Part J-3, Powered platforms, and chapter 296-155 WAC, Part J-1, Elevating work platforms, have been rewritten for clarity and usability, while making housekeeping revisions. Existing rules will be combined into a single book titled elevating work platforms, chapter 296-869 WAC.

New WAC 296-869-100 Scope, 296-869-200 Section contents, 296-869-20005 Design and construction, 296-869-20010 Modifications, 296-869-20015 Owned, rented, or leased aerial lifts, 296-869-20020 Operator requirements, 296-869-20025 Operator training, 296-869-20030 Operator prestart inspection, 296-869-20035 Workplace survey, 296-869-20040 Before and during use, 296-869-20045 Working from the platform, 296-869-20050 Moving the aerial lift, 296-869-20055 Aerial ladders, 296-869-300 Section contents, 296-869-30005 Manually propelled elevating work platforms, 296-869-30010 Self-propelled elevating work platforms, 296-869-30015 Boom-supported elevating work platforms, 296-869-30020 Modifications, 296-869-400 Section contents, 296-869-40005 Condition, 296-869-40010 Inspections, 296-869-40015 Repairs and adjustments, 296-869-40020 Manufacturer's safety bulletins, 296-869-40025 Inspection and repair records, 296-869-40030 Fueling and battery charging, 296-869-500 Section contents, 296-869-50005 Operator authorization and training, 296-869-50010 Specific model training, 296-869-50015 Operator training records, 296-869-600 Section contents, 296-869-60005 Intended use, 296-869-60010 Workplace survey, 296-869-60015 Hazardous locations, 296-869-60020 Set-up, 296-869-60025 Travel speed, 296-869-60030 Driving, 296-869-60035 Elevating and lowering the platform, 296-869-60040 Working from the platform, 296-869-60045 Malfunctions or unsafe conditions, and 296-869-700 Definitions.

Repealing WAC 296-24-875 Elevating work platforms, 296-24-87505 Self-propelled elevating work platforms, 296-24-87510 Boom supported elevating work platforms, 296-24-87515 Aerial lifts, 296-24-880 Power platforms for exte-

rior building maintenance, 296-24-88005 Definitions, 296-24-88010 Inspections and tests, 296-24-88015 Powered platform installations—Affected parts of buildings, 296-24-88020 Powered platform installations—Equipment, 296-24-88025 Maintenance, 296-24-88030 Operations, 296-24-88035 Personal fall protection, 296-24-88040 Appendix A—Guidelines (advisory), 296-24-88045 Appendix B—Exhibits (advisory), 296-24-88055 Appendix D—Existing installations (mandatory), 296-24-900 Manlifts, 296-24-90001 Definitions, 296-24-90003 General requirements, 296-24-90005 Mechanical requirements, 296-24-90007 Operating rules, 296-24-90009 Periodic inspection, 296-155-481 Scope and application, 296-155-482 Definitions applicable to this part, 296-155-487 Manually propelled elevating work platforms, 296-155-488 Self propelled elevating work platforms, 296-155-489 Boom supported elevating work platforms, 296-155-490 Aerial lifts, and 296-155-496 Nonmandatory Appendix C to Part J-1, List of National Consensus Standards.

Citation of Existing Rules Affected by this Order: Repealing WAC 296-24-875 Elevating work platforms, 296-24-87505 Self-propelled elevating work platforms, 296-24-87510 Boom supported elevating work platforms, 296-24-87515 Aerial lifts, 296-24-880 Power platforms for exterior building maintenance, 296-24-88005 Definitions, 296-24-88010 Inspections and tests, 296-24-88015 Powered platform installations—Affected parts of buildings, 296-24-88020 Powered platform installations—Equipment, 296-24-88025 Maintenance, 296-24-88030 Operations, 296-24-88035 Personal fall protection, 296-24-88040 Appendix A—Guidelines (advisory), 296-24-88045 Appendix B—Exhibits (advisory), 296-24-88055 Appendix D—Existing installations (mandatory), 296-24-900 Manlifts, 296-24-90001 Definitions, 296-24-90003 General requirements, 296-24-90005 Mechanical requirements, 296-24-90007 Operating rules, 296-24-90009 Periodic inspection, 296-155-481 Scope and application, 296-155-482 Definitions applicable to this part, 296-155-487 Manually propelled elevating work platforms, 296-155-488 Self propelled elevating work platforms, 296-155-489 Boom supported elevating work platforms, 296-155-490 Aerial lifts, and 296-155-496 Nonmandatory Appendix C to Part J-1, List of National Consensus Standards.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Adopted under notice filed as WSR 06-09-069 on April 18, 2006.

Changes Other than Editing from Proposed to Adopted Version: WAC 296-869-60020 Travel speed and set-up, has been divided, for clarity, into two separate sections, WAC 296-869-60020 Set-up and 296-869-60025 Travel speed. This necessitated the renumbering of three sections. WAC 296-869-60025, 296-869-60030, and 296-869-60035 were changed to WAC 296-869-60035, 296-869-60040, and 296-869-60045, respectively.

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 40, Amended 0, Repealed 28.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 40, Amended 0, Repealed 28.

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.

Date Adopted: September 19, 2006.

Gary Weeks
Director

Chapter 296-869 WAC

ELEVATING WORK PLATFORMS

NEW SECTION

WAC 296-869-100 Scope. This chapter applies to the following types of elevating work platforms:

- Aerial lifts
- Manually propelled elevating work platforms that have a platform that cannot be positioned completely beyond the base
- Self-propelled elevating work platforms that have a platform that cannot be positioned completely beyond the base
- Boom-supported elevating work platforms that have a boom-supported platform that can be positioned completely beyond the base

Exemption: This chapter does not apply to elevating work platforms used:

- By the fire services for fire combat that are covered by Safety standards for fire fighters, chapter 296-305 WAC;

OR

- For agriculture activities covered by Safety standards for agriculture, chapter 296-307 WAC

Definitions:

- Aerial lift:
 - An aerial device mounted on a vehicle such as a truck, trailer, or all-terrain vehicle.
- Aerial device:
 - A vehicle-mounted device, telescoping or articulating, or both, which is used to position personnel.
- Elevating work platform:
 - A device used to position personnel, along with their necessary tools and materials, at work locations. It includes a platform and an elevating assembly and may be either:
 - Vehicle mounted;
- OR**
- Have an integral chassis providing mobility and a means of support
 - Platform:
 - The portion of an elevating work platform intended to be occupied by personnel. It may also be called a basket, bucket, stand, or similar term.

NEW SECTION**WAC 296-869-200 Section contents.****IMPORTANT:**

This section applies to the following types of vehicle-mounted aerial devices:

- Extensible-boom work platforms
- Articulating-boom work platforms
- Vertical towers
- Aerial ladders
- A combination of any of the above types of elevating work platforms

Your responsibility:

To meet these requirements when using aerial lifts.

WAC 296-869-20005

Design and construction

WAC 296-869-20010

Modifications

WAC 296-869-20015

Owned, rented, or leased aerial lifts

WAC 296-869-20020

Operator requirements

WAC 296-869-20025

Operator training

WAC 296-869-20030

Operator prestart inspection

WAC 296-869-20035

Workplace survey

WAC 296-869-20040

Before and during use

WAC 296-869-20045

Working from the platform

WAC 296-869-20050

Moving the aerial lift

WAC 296-869-20055

Aerial ladders

NEW SECTION**WAC 296-869-20005 Design and construction.****You must:**

- Make sure aerial lifts manufactured on or after July 1, 2006, meet the design and construction requirements of ANSI A92.2-2001, American National Standard for Vehicle-Mounted Elevating and Rotating Aerial Devices.
- Make sure aerial lifts manufactured before July 1, 2006, meet the design and construction requirements of ANSI A92.2-1969, American National Standard for Vehicle-Mounted Elevating and Rotating Work Platforms.

Definition:

- Aerial lift:
 - An aerial device mounted on a vehicle such as a truck, trailer, or all-terrain vehicle.
- Aerial device:
 - A vehicle-mounted device, telescoping or articulating, or both, which is used to position personnel.

NEW SECTION**WAC 296-869-20010 Modifications.****You must:**

- Have written approval from the manufacturer before making any modification or addition that affects the safe operation, stability, intended use, or the mechanical, hydraulic, or electrical integrity of the aerial lift. Make sure the modified aerial lift is:

- At least as safe as it was before being modified;

AND

- Any change to the insulated portion of the aerial lift does not reduce the insulating value

Note: If the original manufacturer is no longer in business, an equivalent entity such as a nationally recognized testing laboratory may approve modification.

NEW SECTION**WAC 296-869-20015 Owned, rented, or leased aerial lifts.****IMPORTANT:**

This section applies if you own, rent, or lease an aerial lift.

You must:

- Meet the requirements of the Responsibilities of Owners, section 8, of ANSI A92.2-2001, American National Standard for Vehicle-Mounted Elevating and Rotating Aerial Devices, if you own an aerial lift.
- Meet the requirements of the Responsibilities of Renters, Lessors or Lessees, section 11, of ANSI A92.2-2001, American National Standard for Vehicle-Mounted Elevating and Rotating Aerial Devices, if you rent or lease an aerial lift.

NEW SECTION**WAC 296-869-20020 Operator requirements.****You must:**

- Permit only trained and authorized personnel to operate aerial lifts.

NEW SECTION**WAC 296-869-20025 Operator training.****You must:**

- Make sure personnel are trained before they are permitted to operate an aerial lift. Cover at least the following items:
 - General instruction on the inspection, application, and operation of aerial lifts
 - Include recognizing and avoiding hazards associated with their operation
 - Purpose and use of manuals
 - Include proper storage of the manuals on the vehicle when not in use
 - Prestart inspection
 - Responsibilities associated with problems or malfunctions affecting the operation of the aerial lift
 - Factors affecting stability
 - Purpose of placards and decals
 - Workplace survey

- Safety rules and regulations pertinent to the industry
- Authorization to operate an aerial lift
- Operator warnings and instructions
- Proper use of personal fall protection equipment
 - Have operator trainees actually operate the aerial lift, under the direction of a qualified person, for enough time to demonstrate proficiency.
 - Retrain an operator if evaluation and observation of the operator indicates retraining is necessary.
 - Instruct operators in all of the following before they are directed to operate an aerial lift with which they are not familiar:
 - Location of the manuals.
 - Purpose and function of all controls.
 - Safety devices and operating characteristics specific to the aerial lift

NEW SECTION

WAC 296-869-20030 Operator prestart inspection.

You must:

- Make sure the operator does a prestart inspection of the aerial device as shown in Table 1, Operator Prestart Inspection.
- Have a qualified person examine or test any items found during the inspection that are thought to be unsafe to determine if they constitute a safety hazard.
- Replace or repair all unsafe items before use.

**Table 1
Operator Prestart Inspection**

Component or system:	Test or inspect for the following:
Operating controls and associated mechanisms	Conditions interfering with proper operation
Visual and audible safety devices	Malfunctions
Hydraulic or pneumatic systems	Visible deterioration or excessive leaks
Fiberglass and other insulating components	Visible damage or contamination
Operational and instructional markings	That they are present and legible
Electrical systems of or related to the aerial device	Malfunction and for signs of excessive deterioration, dirt, and moisture accumulation
Locking devices, bolts, pins, and other fasteners	That they are in-place and not loose or deformed

NEW SECTION

WAC 296-869-20035 Workplace survey.

You must:

- Have the operator survey the area, before using an aerial lift, for hazards such as:
 - Untamped earth fills
 - Ditches
 - Drop-offs and floor obstructions

- Debris
- Overhead obstructions and electrical conductors
- Weather conditions
- Unauthorized persons in the area

NEW SECTION

WAC 296-869-20040 Before and during use.

You must:

- Set the brakes and make sure outriggers, when used, are positioned on pads or a solid surface.
- Install wheel chocks when using the aerial lift on an incline if they can be installed safely.

NEW SECTION

WAC 296-869-20045 Working from the platform.

You must:

- Make sure boom and platform load limits specified by the manufacturer are not exceeded.
- Make sure persons stand firmly on the floor of the platform and do not:
 - Sit or climb on the edge of the platform;
- OR**
- Use guardrails, planks, ladders, or any other device to gain additional height or reach
- Prohibit wearing climbers when working from the platform.
- Make sure all persons on the platform wear a full body harness with a lanyard attached to either:
 - The manufacturer's recommended attachment point;
- OR**
- The boom or platform if the manufacturer does not specify an attachment point
- Never attach a lanyard to an adjacent pole, structure, or equipment.

NEW SECTION

WAC 296-869-20050 Moving the aerial lift.

You must:

- Make sure the boom is properly cradled and the outriggers are in the stowed position before moving the aerial lift.

Exemption: The aerial lift may be moved with the boom elevated and personnel on the platform only if the equipment was specifically designed for this type of operation.

NEW SECTION

WAC 296-869-20055 Aerial ladders.

You must:

- Secure aerial ladders in the lower traveling position, using the locking device or other means provided by the manufacturer, before moving it for highway travel.
- Make sure all persons working from an aerial ladder wear a full body harness and lanyard attached to either:
 - The manufacturer's recommended attachment point;
- OR**
- The ladder rail if the manufacturer does not specify an attachment point

NEW SECTION**WAC 296-869-300 Section contents.****IMPORTANT:**

This section applies to manually propelled, self-propelled, and boom-supported elevating work platforms.

Your responsibility:

To make sure elevating work platforms meet these design, construction, and equipment requirements

WAC 296-869-30005

Manually propelled elevating work platforms

WAC 296-869-30010

Self-propelled elevating work platforms

WAC 296-869-30015

Boom-supported elevating work platforms

WAC 296-869-30020

Modifications

NEW SECTION**WAC 296-869-30005 Manually propelled elevating work platforms.****IMPORTANT:**

This section applies to manually propelled, integral chassis, elevating work platforms with a platform that cannot be positioned completely beyond the base.

You must:

- Make sure manually propelled elevating work platforms meet the design and construction requirements of American National Standards Institute (ANSI) A92.3-1990, American National Standard for Manually Propelled Elevating Aerial Platforms.

- Make sure the manufacturer provides instructions and markings that meet the requirements of ANSI A92.3-1990, American National Standard for Manually Propelled Elevating Aerial Platforms, on each elevating work platform.

- Make sure manuals that meet the requirements of ANSI A92.3-1990, American National Standard for Manually Propelled Elevating Aerial Platforms, are:

- Provided for each elevating work platform;

AND

- Kept in the weather-resistant storage compartment provided by the manufacturer

Note: Required manuals include the manufacturer's operating and maintenance manuals and a manual that defines the responsibilities of dealers, owners, lessors, lessees, users, and operators.

NEW SECTION**WAC 296-869-30010 Self-propelled elevating work platforms.****IMPORTANT:**

This section applies to self-propelled, integral chassis, elevating work platforms with a platform that cannot be positioned completely beyond the base.

You must:

- Make sure self-propelled elevating work platforms manufactured on or after July 1, 2006, meet the design and construction requirements of ANSI A92.6-1999, American

National Standard for Self-Propelled Elevating Work Platforms.

- Make sure self-propelled elevating work platforms manufactured before July 1, 2006 meet the design and construction requirements of ANSI A92.6-1990, American National Standard for Self-Propelled Elevating Work Platforms.

- Make sure the manufacturer provides instructions and markings that meet the requirements of ANSI A92.6-1990 or A92.6-1999, American National Standard for Self-Propelled Elevating Work Platforms, as appropriate, on each elevating work platform.

- Make sure manuals that meet the requirements of ANSI A92.6-1990 or A92.6-1999, American National Standard for Self-Propelled Elevating Work Platforms, as appropriate, are:

- Provided for each elevating work platform;

AND

- Kept in the weather-resistant storage compartment provided by the manufacturer

Note: Required manuals include the manufacturer's operating and maintenance manuals and a manual that defines the responsibilities of dealers, owners, lessors, lessees, users, and operators.

NEW SECTION**WAC 296-869-30015 Boom-supported elevating work platforms.****IMPORTANT:**

This section applies to self-propelled, integral chassis, elevating work platforms with a boom-supported platform that can be positioned completely beyond the base.

You must:

- Make sure boom-supported elevating work platforms meet the design and construction requirements of American National Standards Institute (ANSI) A92.5-1992, American National Standard for Boom-Supported Elevating Work Platforms.

- Make sure the manufacturer provides instructions and markings that meet the requirements of ANSI A92.5-1992, American National Standard for Boom-Supported Elevating Work Platforms, on each elevating work platform.

- Make sure manuals that meet the requirements of ANSI A92.5-1992, American National Standard for Boom-Supported Elevating Work Platforms, are:

- Provided for each elevating work platform;

AND

- Kept in the weather-resistant storage location provided by the manufacturer

Note: Required manuals include the manufacturer's operating and maintenance manuals and a manual that defines the responsibilities of dealers, owners, lessors, lessees, users, and operators.

NEW SECTION**WAC 296-869-30020 Modifications.****You must:**

- Prohibit altering or disabling interlocks or other safety devices.

- Have written permission from the manufacturer before making any modification to an elevating work platform.

Note: If the original manufacturer is no longer in business, an equivalent entity such as a nationally recognized testing laboratory may approve modification.

NEW SECTION

WAC 296-869-400 Section contents.

IMPORTANT:

This section applies to manually propelled, self-propelled, and boom-supported elevating work platforms.

Your responsibility:

To inspect, repair, maintain, and service elevating work platforms to keep them in safe operating condition.

WAC 296-869-40005

Condition

WAC 296-869-40010

Inspections

WAC 296-869-40015

Repairs and adjustments

WAC 296-869-40020

Manufacturer's safety bulletins

WAC 296-869-40025

Inspection and repair records

WAC 296-869-40030

Fueling and battery charging

NEW SECTION

WAC 296-869-40005 Condition.

You must:

- Inspect and maintain elevating work platforms to keep them in proper operating condition.
- Immediately remove from service any elevating work platform that is not in proper operating condition.

NEW SECTION

WAC 296-869-40010 Inspections.

You must:

- Do a prestart inspection of the elevating work platform according to Table 2, Elevating Work Platform Inspections.
- Make sure frequent and annual inspections are done:
 - By a person qualified as a mechanic on the specific make and model of elevating work platform;

AND

- According to Table 2, Elevating Work Platform Inspections

**Table 2
Elevating Work Platform Inspections**

Type of inspection:	When required:	Items to inspect:
<p>Prestart</p>	<ul style="list-style-type: none"> • At the beginning of each shift. 	<ul style="list-style-type: none"> • Do a visual inspection and functional test including at least the following: <ul style="list-style-type: none"> – Operating and emergency controls – Safety devices – Personal protective devices, including fall protection – Air, hydraulic and fuel system leaks – Cables and wiring harness – Loose or missing parts – Tires and wheels – Placards, warnings, control markings, and required manuals – Outriggers, stabilizers, and other structures – Guardrail system – Items specified by the manufacturer
<p>Frequent</p>	<ul style="list-style-type: none"> • Elevating work platforms that have been in service three months or one hundred fifty hours, whichever comes first; AND • Before putting elevating work platforms back in service that have been out of service for more than three months <p>Note: Newly purchased used equipment should be given the equivalent of a frequent inspection before being put into service.</p>	<ul style="list-style-type: none"> • All functions and their controls for speeds, smoothness, and limits of motion • Emergency lowering means (manually propelled only) • Lower controls including the provisions for overriding of upper controls (self-propelled and boom-supported) • All chain and cable mechanisms for adjustment and worn or damaged parts

Type of inspection:	When required:	Items to inspect:
		<ul style="list-style-type: none"> • All emergency and safety devices • Lubrication of all moving parts, inspection of filter element(s), hydraulic oil, engine oil, and coolant as specified by the manufacturer • Visual inspection of structural components and other critical components such as fasteners, pins, shafts, turntable attachment bolts (boom-supported only), and locking devices • Placards, warnings, and control markings • Additional items specified by the manufacturer
Annual	<ul style="list-style-type: none"> • Not later than thirteen months from the date of the last annual inspection 	<ul style="list-style-type: none"> • All items specified by the manufacturer for an annual inspection

NEW SECTION

WAC 296-869-40015 Repairs and adjustments.

You must:

- Make sure repairs to elevating work platforms are:
 - Made by a qualified person;
- AND**
- Done according to the manufacturer's recommendations
- Make sure the elevating work platform, before beginning adjustments or repairs, meets all of the following requirements that apply:
 - All controls in the "off" position
 - All operating features secured from inadvertent motion by brakes, blocks, or other means
 - Powerplant stopped
 - Means of starting is rendered inoperative
 - Platform either:
 - Lowered to the full down position, if possible;
 - OR**
 - Blocked or cribbed to prevent dropping
 - Hydraulic pressure relieved from all hydraulic circuits before loosening or removing hydraulic components
 - Safety props or latches installed, where applicable
 - Other precautions as specified by the manufacturer
- Make sure replacement parts or components are identical or equivalent to the original parts or components.

NEW SECTION

WAC 296-869-40020 Manufacturer's safety bulletins.

You must:

- Meet the requirements of safety-related bulletins as received from the manufacturer, dealer, or owner.

NEW SECTION

WAC 296-869-40025 Inspection and repair records.

You must:

- Keep written records documenting:
 - Frequent and annual inspections you have done including:

- Date of inspection
- Deficiencies found
- Corrective action recommended
- Names of the people who did the inspection;
- AND**
- All repairs done on the elevating work platform, including:
 - Date of repair
 - Description of the work done
 - Names of the people who did the repair
- Retain the records of inspections and repairs for at least:
 - Three years for manually propelled and boom-supported elevating work platforms;
- AND**
- Four years for self-propelled elevating work platforms
- Note:** It is the responsibility of the owner of the elevating work platform to make sure frequent and annual inspections are done and documented. If you perform either type of inspection, or make repairs to the elevating work platform, send the appropriate records to the owner of the elevating work platform.

NEW SECTION

WAC 296-869-40030 Fueling and battery charging.

You must:

- Shut-down the engine while filling fuel tanks.
- Fill fuel tanks and charge batteries in areas that are:
 - Open and well-ventilated;
- AND**
- Free of flame, sparks, or other hazards that may cause fire or explosion

NEW SECTION

WAC 296-869-500 Section contents.

IMPORTANT:

This section applies to manually propelled, self-propelled, and boom-supported elevating work platforms.

Your responsibility:

To properly train elevating work platform operators
WAC 296-869-50005

Operator authorization and training
WAC 296-869-50010
Specific model training
WAC 296-869-50015
Operator training records

NEW SECTION**WAC 296-869-50005 Operator authorization and training.****You must:**

- Permit only trained and authorized personnel to operate elevating work platforms.
- Train operators in all of the following:
 - The manufacturer's operating and maintenance manuals
 - Your work instructions
 - The requirements of this chapter

NEW SECTION**WAC 296-869-50010 Specific model training.****You must:**

- Make sure operators:
 - Know the required manuals supplied by the manufacturer are stored in a weather resistant compartment and where the compartment is located;

AND

- Refer to the manuals when necessary
 - Make sure operators do all of the following before operating an elevating work platform:
 - Read and understand the manufacturer's operating instructions and your safety rules, or have them explained by a qualified person
 - Understand, by reading or by having a qualified person explain, all decals, warnings, and instructions displayed on the elevating work platform
 - Are instructed by a qualified person in the intended purpose and function of each control
 - Have operator trainees demonstrate their knowledge and proficiency during actual operation of an elevating work platform under the following conditions:
 - Under the direction of a qualified person
 - In an area free of obstructions
 - Using an elevating work platform that is:
 - The same model that they will be operating;
- OR**
- One that has similar controls and operating characteristics

NEW SECTION**WAC 296-869-50015 Operator training records.****You must:**

- Retain records of the operators trained on each model of elevating work platform for at least:
 - Three years for manually propelled and boom-supported elevating work platforms;
- AND**
- Four years for self-propelled elevating work platforms

NEW SECTION**WAC 296-869-600 Section contents.****IMPORTANT:**

This section applies to manually propelled, self-propelled, and boom-supported elevating work platforms.

Your responsibility:

To meet these requirements when operating elevating work platforms

WAC 296-869-60005
Intended use
WAC 296-869-60010
Workplace survey
WAC 296-869-60015
Hazardous locations
WAC 296-869-60020
Set up
WAC 296-869-60025
Travel speed
WAC 296-869-60030
Driving
WAC 296-869-60035
Elevating and lowering the platform
WAC 296-869-60040
Working from the platform
WAC 296-869-60045
Malfunctions or unsafe conditions

NEW SECTION**WAC 296-869-60005 Intended use.****You must:**

• Make sure elevating work platforms are used only for their intended purpose as specified by the manufacturer.

- Note:** Misuse of an elevating work platform includes, but is not limited to:
- Using the elevating work platform as a crane
 - Using the platform to jack the wheels off the ground unless the machine was designed for that purpose by the manufacturer
 - Operating the elevating work platform from a truck, trailer, railway car, floating vessel, scaffold, or similar equipment unless the application is approved in writing by the manufacturer

NEW SECTION**WAC 296-869-60010 Workplace survey.****You must:**

- Have the operator survey the area before and during use of an elevating work platform for hazards such as:
 - Drop-offs or holes
 - Slopes
 - Bumps and floor obstructions
 - Debris
 - Overhead obstructions and high voltage conductors
 - Hazardous locations
 - Inadequate surface and support to withstand the load imposed on them by the elevating work platform in all operating configurations
 - Wind and weather conditions
 - Unauthorized persons in the area
 - Other possible unsafe conditions

NEW SECTION

WAC 296-869-60015 Hazardous locations.

You must:

- Determine the hazard classification of any area where the elevating work platform will operate using National Fire Protection Association (NFPA) 505-2002, Fire Safety Standard for Powered Industrial Trucks Including Type Designations, Areas of Use, Conversions, Maintenance, and Operations.

- Make sure only approved elevating work platforms are used in Class I, II, or III locations.

- Make sure elevating work platforms are used in hazardous (classified) locations as follows:

- Elevating work platforms authorized to be used in Class 1 locations are shown in Table 3, Approved Elevating Work Platform Use in Class 1 Locations

- Elevating work platforms authorized to be used in Class 2 locations are shown in Table 4, Approved Elevating Work Platform Use in Class 2 Locations

- Elevating work platforms authorized to be used in Class 3 locations are shown in Table 5, Approved Elevating Work Platform Use in Class 3 Locations

- Elevating work platforms authorized to be used in unclassified locations are:

- Approved elevating work platforms designated as Type D, E, G, or LP;

AND

- Elevating work platforms that meet the requirements of Type D, E, G, or LP elevating work platforms.

- Have operators report any hazardous atmosphere or location that becomes apparent while operating the elevating work platform.

Definitions:

- An **unclassified location** is an area that's not designated as a Class 1, 2, or 3 location.

- The **type designation** is a code to identify types of elevating work platforms. It is used to determine if an elevating work platform can be used in a specific classified or unclassified location.

- **D** refers to elevating work platforms that are diesel engine powered that have minimum safeguards against inherent fire hazards.

- **DS** refers to diesel powered elevating work platforms that, in addition to meeting all the requirements for type D elevating work platforms, are provided with additional safeguards to the exhaust, fuel and electrical systems.

- **DY** refers to diesel powered elevating work platforms that have all the safeguards of the DS elevating work platforms and, in addition, any electrical equipment is completely enclosed. They are equipped with temperature limitation features.

- **E** refers to electrically powered elevating work platforms that have minimum acceptable safeguards against inherent fire hazards.

- **ES** refers to electrically powered elevating work platforms that, in addition to all of the requirements for the E elevating work platforms, have additional safeguards to the electrical system to prevent emission of hazardous sparks and to limit surface temperatures.

- **EE** refers to electrically powered elevating work platforms that, in addition to all of the requirements for the E and ES type elevating work platforms, have their electric motors and all other electrical equipment completely enclosed.

- **EX** refers to electrically powered elevating work platforms that differ from E, ES, or EE type elevating work platforms in that the electrical fittings and equipment are designed, constructed and assembled to be used in atmospheres containing flammable vapors or dusts.

- **G** refers to gasoline powered elevating work platforms that have minimum acceptable safeguards against inherent fire hazards.

- **GS** refers to gasoline powered elevating work platforms that are provided with additional exhaust, fuel, and electrical systems safeguards.

- **LP** refers to liquefied petroleum gas-powered elevating work platforms that, in addition to meeting all the requirements for type G elevating work platforms, have minimum acceptable safeguards against inherent fire hazards.

- **LPS** refers to liquefied petroleum gas-powered elevating work platforms that in addition to meeting the requirements for LP type elevating work platforms, have additional exhaust, fuel, and electrical systems safeguards.

**Table 3
Approved Elevating Work Platform Use in Class 1 Locations**

Class 1							
Locations in which flammable gases or vapors are, or may be, present in the air in quantities sufficient to produce explosive or ignitable mixtures							
Division 1				Division 2			
Conditions exist continuously, intermittently, or periodically under normal operating conditions.				Conditions may occur accidentally, for example, due to a puncture of a storage drum.			
Group A	Group B	Group C	Group D	Group A	Group B	Group C	Group D
Acetylene	Hydrogen	Ethyl ether	Acetone Alcohols Benzene Gasoline	Acetylene	Hydrogen	Ethyl ether	Acetone Alcohols Benzene Gasoline

Class 1							
Locations in which flammable gases or vapors are, or may be, present in the air in quantities sufficient to produce explosive or ignitable mixtures							
Division 1				Division 2			
Conditions exist continuously, intermittently, or periodically under normal operating conditions.				Conditions may occur accidentally, for example, due to a puncture of a storage drum.			
			Lacquer Solvent				Lacquer Solvent
No type can be used	No type can be used	No type can be used	Use this elevating work platform type: EX	No type can be used	No type can be used	No type can be used	Use this elevating work platform type: DS DY ES EE EX GS LPS

Table 4
Approved Elevating Work Platform Use in Class 2 Locations

Class 2					
Locations which are hazardous because of the presence of combustible dust					
Division 1			Division 2		
Explosive mixture may be present under normal operating conditions, or where failure of equipment may cause the condition to exist simultaneously with arcing or sparking of electrical equipment, or where dusts of an electrically conducting nature may be present.			Explosive mixture not normally present, but where deposits of dust may cause heat rise in electrical equipment, or where such deposits may be ignited by arcs or sparks from electrical equipment.		
Group E	Group F	Group G	Group E	Group F	Group G
Metal dust	Carbon black Coal dust Coke dust	Grain dust Flour dust Starch dust Organic dust	Metal dust	Carbon black Coal dust Coke dust	Grain dust Flour dust Starch dust Organic dust
No type can be used	Use this elevating work platform type: EX	Use this elevating work platform type: EX	No type can be used	No type can be used	Use this elevating work platform type: DS DY ES EE EX GS LPS

Table 5
Approved Elevating Work Platform Use in Class 3 Locations

Class 3	
Locations where easily ignitable fibers or flyings are present but not likely to be in suspension in quantities sufficient to produce ignitable mixtures	
Division 1	Division 2
Locations in which easily ignitable fibers or materials producing combustible flyings are handled, manufactured, or used.	Locations in which easily ignitable fibers are stored or handled (except in the process of manufacture).
Use this elevating work platform type:	Use this elevating work platform type:
DY	DS
EE	DY
EX	E
	ES
	EE
	EX
	GS
	LPS

NEW SECTION

WAC 296-869-60020 Set up.

You must:

- Prohibit positioning the elevating work platform against another object in order to steady the platform.
- Do the following when other moving equipment or vehicles are present:
 - Take special precautions to meet the requirements of local ordinances or workplace safety standards;

AND

- Use warnings such as, but not limited to, flags, roped-off areas, flashing lights and barricades

NEW SECTION

WAC 296-869-60025 Travel speed. Make sure the operator limits travel speed according to conditions, including:

- Condition of the ground or support surface;
- Congestion;
- Visibility;
- Slope;
- Location of personnel;
- Other factors that may create a hazard of collision or injury to personnel.

NEW SECTION

WAC 296-869-60030 Driving.

IMPORTANT:

This section does not apply to manually propelled elevating work platforms.

You must:

- Make sure the operator does all of the following before and while driving with the platform elevated:
 - Maintains a clear view of the path of travel
 - Keeps a safe distance from obstacles, debris, drop-offs, holes, depressions, ramps, and other hazards to safe travel
 - Keeps a safe distance from overhead obstacles
- Prohibit stunt driving and horseplay.

NEW SECTION

WAC 296-869-60035 Elevating and lowering the platform.

You must:

- Have the operator make sure all of the following are done before each elevation of the platform:
 - The elevating work platform is on a surface that is within the limits specified by the manufacturer
 - Outriggers, stabilizers, extendable axes, or other stability enhancing means are used as required by the manufacturer
 - Guardrails are installed and access gates or openings are closed per the manufacturer's instructions
 - The load and its distribution on the platform and any platform extension does not exceed the manufacturer's rated capacity for the configuration being used
 - There is adequate clearance from overhead obstructions
 - The minimum safe approach distance (MSAD) to energized power lines and parts listed in Table 6, Minimum Safe Approach Distance, is maintained
 - All persons on the platform are wearing fall protection devices and other safety gear if required
- Prevent rope, electric cords, hoses and similar objects from becoming entangled with the platform.
- Have the operator make sure the area is clear of personnel and equipment before lowering the platform.
- Remove all personnel from a platform that has been caught, snagged, or otherwise prevented from normal motion before attempting to free it using ground controls.

Note: If possible, reverse the platform controls to free a platform that is caught, snagged, or otherwise prevented from normal motion by an adjacent structure or other obstacle.

Table 6
Minimum Safe Approach Distance

Voltage	Minimum Safe Approach Distance
Less than 300 volts (insulated lines)	3 feet (0.9 m)
Less than 300 volts (uninsulated lines)	10 feet (3.1 m)
300 volts to 50 kv	10 feet (3.1 m)
More than 50 kv	10 feet (3.1 m) + 0.4 inches (1.0 cm) for each 1 kv over 50 kv

NEW SECTION**WAC 296-869-60040 Working from the platform.****You must:**

- Make sure persons working from the platform:
 - Keep a firm footing on the platform;

AND

- Do not use guardrails, planks, ladders, or any other device to gain additional height or reach
 - Make sure all persons on the platform of boom-supported elevating work platforms wear a full body harness and lanyard fixed to manufacturer provided and approved attachment points.
 - Make sure the rated capacities of the platform are not exceeded when transferring loads to the platform at any height.

Note: Guardrails are the primary means of fall protection for manually propelled elevating work platforms.

NEW SECTION**WAC 296-869-60045 Malfunctions or unsafe conditions.****You must:**

- Make sure operators, if they suspect a malfunction of the elevating work platform or encounter any hazard or potentially unsafe condition, do all of the following:
 - Cease operation
 - Report the problem or malfunction
 - Discontinue using the elevating work platform until problems or malfunctions that affect safe operation have been corrected

NEW SECTION**WAC 296-869-700 Definitions.****Aerial device:**

A vehicle-mounted device, telescoping or articulating, or both, which is used to position personnel.

Aerial ladder:

A vehicle-mounted elevating work platform consisting of a single or multiple-section extensible ladder. It may or may not have a platform at the top.

Aerial lift:

An aerial device mounted on a vehicle such as a truck, trailer, or all-terrain vehicle.

Approved:

Listed or approved by a nationally recognized testing laboratory or a federal agency that issues approvals for equipment such as the Mine Safety and Health Administration (MSHA); the National Institute for Occupational Safety and Health (NIOSH); Department of Transportation; or U.S. Coast Guard, which issue approvals for such equipment.

Articulating-boom work platform:

A vehicle-mounted elevated work platform with two or more hinged boom sections.

Boom-supported elevating work platform:

A self-propelled, integral chassis, elevating work platform with a boom-supported platform that can be positioned completely beyond the base.

Chassis:

The part of a nonvehicle-mounted elevating work platform that provides mobility and support for the elevating assembly and platform.

Elevating work platform:

A device used to position personnel, along with their necessary tools and materials, at work locations. It includes a platform and an elevating assembly. It may be vehicle mounted or have an integral chassis for mobility and as a means of support.

Extensible-boom work platform:

A vehicle-mounted elevating work platform with a telescopic or extensible boom.

Manually propelled elevating work platform:

A manually propelled, integral chassis, elevating work platform with a platform that cannot be positioned completely beyond the base.

Platform:

The portion of an elevating work platform intended to be occupied by personnel. It may also be called a basket, bucket, stand, or similar term.

Rated capacity:

The designed carrying capacity of the elevating work platform as specified by the manufacturer.

Self-propelled elevating work platform:

A self-propelled, integral chassis, elevating work platform with a platform that cannot be positioned completely beyond the base.

Type designation:

A code to identify types of elevating work platforms. It is used to determine if an elevating work platform can be used in a specific classified or unclassified location.

– **D** refers to elevating work platforms that are diesel engine powered that have minimum safeguards against inherent fire hazards.

– **DS** refers to diesel powered elevating work platforms that, in addition to meeting all the requirements for type D elevating work platforms, are provided with additional safeguards to the exhaust, fuel and electrical systems.

– **DY** refers to diesel powered elevating work platforms that have all the safeguards of the DS elevating work platforms and, in addition, any electrical equipment is completely enclosed. They are equipped with temperature limitation features.

– **E** refers to electrically powered elevating work platforms that have minimum acceptable safeguards against inherent fire hazards.

– **ES** refers to electrically powered elevating work platforms that, in addition to all of the requirements for the E elevating work platforms, have additional safeguards to the electrical system to prevent emission of hazardous sparks and to limit surface temperatures.

– **EE** refers to electrically powered elevating work platforms that, in addition to all of the requirements for the E and ES type elevating work platforms, have their electric motors and all other electrical equipment completely enclosed.

– **EX** refers to electrically powered elevating work platforms that differ from E, ES, or EE type elevating work platforms in that the electrical fittings and equipment are

designed, constructed and assembled to be used in atmospheres containing flammable vapors or dusts.

– **G** refers to gasoline powered elevating work platforms that have minimum acceptable safeguards against inherent fire hazards.

– **GS** refers to gasoline powered elevating work platforms that are provided with additional exhaust, fuel, and electrical systems safeguards.

– **LP** refers to liquefied petroleum gas-powered elevating work platforms that, in addition to meeting all the requirements for type G elevating work platforms, have minimum acceptable safeguards against inherent fire hazards.

– **LPS** refers to liquefied petroleum gas-powered elevating work platforms that, in addition to meeting the requirements for LP type elevating work platforms, have additional exhaust, fuel, and electrical systems safeguards.

Vertical tower:

A vehicle-mounted elevating work platform having a platform that can be raised along a vertical axis.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-24-875	Elevating work platforms.
WAC 296-24-87505	Self-propelled elevating work platforms.
WAC 296-24-87510	Boom supported elevating work platforms.
WAC 296-24-87515	Aerial lifts.
WAC 296-24-880	Power platforms for exterior building maintenance.
WAC 296-24-88005	Definitions.
WAC 296-24-88010	Inspections and tests.
WAC 296-24-88015	Powered platform installations—Affected parts of buildings.
WAC 296-24-88020	Powered platform installations—Equipment.
WAC 296-24-88025	Maintenance.
WAC 296-24-88030	Operations.
WAC 296-24-88035	Personal fall protection.
WAC 296-24-88040	Appendix A—Guidelines (advisory).
WAC 296-24-88045	Appendix B—Exhibits (advisory).
WAC 296-24-88055	Appendix D—Existing installations (mandatory).
WAC 296-24-900	Manlifts.
WAC 296-24-90001	Definitions.

WAC 296-24-90003	General requirements.
WAC 296-24-90005	Mechanical requirements.
WAC 296-24-90007	Operating rules.
WAC 296-24-90009	Periodic inspection.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-155-481	Scope and application.
WAC 296-155-482	Definitions applicable to this part.
WAC 296-155-487	Manually propelled elevating work platforms.
WAC 296-155-488	Self propelled elevating work platforms.
WAC 296-155-489	Boom supported elevating work platforms.
WAC 296-155-490	Aerial lifts.
WAC 296-155-496	Non-Mandatory Appendix C to Part J-1, List of National Consensus Standards.

**WSR 06-19-074
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed September 19, 2006, 9:32 a.m., effective December 1, 2006]

Effective Date of Rule: December 1, 2006.

Purpose: The purpose of this rule making is to adopt language that will increase fuse length burn time from seventy to ninety seconds and will eliminate the relighting of fuses. This change was recommended by the National Ski Area Association, in conjunction with the Washington Avalanche Control Council, and was prompted by a fatality in the industry.

In addition, the use of explosives for avalanche control is currently found in the WAC chapter that applies only to ski operations. The department moved the avalanche control language from chapter 296-59 WAC, Safety standards for ski area facilities and operations into chapter 296-52 WAC, Safety standards for possession, handling, and use of explosives, which broadens avalanche control operations under the explosives rule and makes it applicable to everyone in the state.

NEW SECTIONS:

WAC 296-52-66053 Altering or destroying a licensed magazine.

- Moved requirements relating to altering or destroying a licensed magazine from WAC 296-52-66050 to this section.

WAC 296-52-66057 Transfer, sale or lease of a magazine or mobile storage site.

- Moved requirements relating to transfer, sale or lease of a magazine or mobile storage site from WAC 296-52-66055 to this section.

WAC 296-52-800 Avalanche control.

- Moved requirements relating to avalanche control from WAC 296-59-100 to this section.

WAC 296-52-802 Acceptable warning signs for typical avalanche control devices (duds).

- Moved requirements relating to acceptable warning signs for typical avalanche control devices (duds) from WAC 296-59-102 to this section.

WAC 296-52-803 Storage, makeup, and use of explosives for avalanche control blasting.

- Moved requirements relating to storage, makeup, and use of explosives for avalanche control blasting from WAC 296-59-103 to this section.

WAC 296-52-805 Hand charge makeup methods.

- Moved requirements relating to hand charge makeup methods from WAC 296-59-105 to this section.

WAC 296-52-807 Avalanche control blasting.

- Moved requirements relating to avalanche control blasting from WAC 296-59-107 to this section.

WAC 296-52-809 Retrieving misfired explosives (duds).

- Moved requirements relating to retrieving misfires or duds from WAC 296-59-109 to this section.

AMENDED SECTIONS:**WAC 296-52-60015 Coverage.**

- Added language to this section relating to what this chapter covers.

WAC 296-52-60020 Exemptions.

- Removed some language and reserved the subsection (1)(g).

WAC 296-52-60130 Definitions.

- Added and updated definitions.

WAC 296-52-61040 Reasons why applicants may be disqualified.

- Added language to this section relating to blaster's license.

WAC 296-52-64005 Responsibility to obtain a blaster's license.

- Added language to this section relating to aerial blasting.
- Clarified language to this section relating to law enforcement.

WAC 296-52-64030 List A qualifications.

- Added language to this section relating to aerial blasting.

WAC 296-52-66050 Moving, altering, or destroying a licensed magazine.

- Clarified language to this section relating to owners of magazines.

WAC 296-52-67090 Initiation systems.

- Clarified language in this section relating to blast areas.

WAC 296-52-68025 Transportation of workers.

- Added language to this section relating to seat belts.

WAC 296-52-70045 Type 4 magazines: Blasting agent, low explosive, or non mass detonating detonators storage facilities.

- Changed the title of this section to read nonmass detonating rather than electric.

WAC 296-59-005 Incorporation of other standards.

- Deleted language relating to the transportation, storage and use of commercial explosives.

WAC 296-59-007 Definitions.

- Removed language relating to explosives.

WAC 296-59-015 General requirements.

- Added language relating to warning signs for avalanche work in ski areas.

Citation of Existing Rules Affected by this Order: Amending WAC 296-52-60015, 296-52-60020, 296-52-60130, 296-52-61040, 296-52-64005, 296-52-64030, 296-52-66050, 296-52-67090, 296-52-68025, 296-52-70045, 296-59-005, 296-59-007 and 296-59-015; and repealing WAC 296-52-66055, 296-59-100, 296-59-102, 296-59-103, 296-59-105, 296-59-107, and 296-59-109.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Adopted under notice filed as WSR 06-13-079 on June 20, 2006.

Changes Other than Editing from Proposed to Adopted Version:

WAC 296-52-60130 Definitions.

- Clarified the definitions of "dud".
- Added the definition of "no-light."

WAC 296-52-800 Avalanche control.

- Replaced the words "slopes, trails, roads and highways" with "areas."
- Replaced the words "not be opened until the work is completed" with "be closed until the risk of avalanches has been reduced to a level determined appropriate by trained personnel."

WAC 296-52-802 Acceptable warning signs for typical avalanche control devices (duds).

- The wording under the third sign was change from "brown color" to "colored."

WAC 296-52-803 Storage, makeup, and use of explosives for avalanche control blasting.

- Deleted the word "fuse" between nonelectric cap and added the words "or shock tube" after nonelectric cap.

WAC 296-52-805 Hand charge makeup methods.

- Deleted the words "(i.e., primacord).["]

WAC 296-52-807 Avalanche control blasting.

- Relocated and clarified the wording "The practice of double fusing hand charges shall be allowed;" to read "The practice of double fusing hand charges shall be allowed. An attempt shall be made to light both fuses. If only one of the two fuses lights, the charge shall be deployed as normal."
- Relocated and clarified the wording "All personnel shall proceed immediately along the escape route as soon as an ignited charge is thrown" to read "All personnel shall be in a safe place when the charge detonates.["]
- Changed "avalancher" to "avalauncher" throughout the rule.
- Added wording to "The ignition system for single hand charge blasts shall be safety fuse and cap" to now read "The ignition system for single hand charge blasts shall be safety fuse and cap or a system approved by the department."

WAC 296-52-809 Retrieving misfires or duds.

- Changed the title to read "Retrieving misfired explosives (or duds).["]
- Replaced the term "dud" with "misfired explosives."

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 8, Amended 14, Repealed 7.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 8, Amended 14, Repealed 7.

Number of Sections Adopted Using Negotiated Rule Making: New 8, Amended 14, Repealed 7; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: September 19, 2006.

Gary Weeks
Director

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-60015 Coverage. This chapter applies to:

- Any person, partnership, company, corporation, government agency, or other entity
- All aspects of explosives, blasting agents, and pyrotechnics including:
 - Manufacture
 - Sale
 - Possession
 - Purchase
 - Use

- Storage
- Transportation
- Avalanche control
- Display fireworks.

Note: Class A and B display fireworks are partially exempt from the requirements of this chapter (see WAC 296-52-60020(5)).

AMENDATORY SECTION (Amending WSR 03-06-073, filed 3/4/03, effective 8/1/03)

WAC 296-52-60020 Exemptions. (1) **The following are exempt from this chapter:**

(a) Explosives or blasting agents transported by railroad, water, highway, or air under the jurisdiction of the Federal Department of Transportation (DOT), the Washington state utilities and transportation commission, and the Washington state patrol.

(b) Laboratories of schools, colleges, and similar institutions if confined to the purpose of instruction or research and if the quantity does not exceed one pound.

(c) Explosives in the forms prescribed by the official United States Pharmacopoeia.

(d) The transportation, storage, and use of explosives or blasting agents in the normal and emergency operations of:

- The United States agencies and departments including the regular United States military departments on military reservations
 - Arsenals, navy yards, depots, or other establishments owned by, operated by, or on behalf of, the United States
 - The duly authorized militia of any state
 - The emergency operations of any state department or agency, any police, or any municipality or county

(e) A hazardous devices technician when they are carrying out:

- Normal and emergency operations
- Handling evidence
- Operating and maintaining a specially designed emergency response vehicle that carries no more than ten pounds of explosive materials
 - When conducting training and whose employer possesses the minimum safety equipment prescribed by the Federal Bureau of Investigation (FBI) for hazardous devices work

Note: A hazardous devices technician is a person who is a graduate of the FBI Hazardous Devices School and who is employed by a state, county, or municipality.

(f) The importation, sale, possession, and use of fireworks, signaling devices, flares, fuses, and torpedoes.

(g) ~~((The transportation, storage, and use of explosives or blasting agents in the normal and emergency avalanche control procedures used by trained and licensed ski area operator personnel. However, the storage, transportation, and use of explosive and blasting agents for such use must meet the requirements in chapter 296-59 WAC, Safety standards for ski operations.~~

Note: The purpose of this chapter is to protect the public by enabling ski area operators to exercise appropriate avalanche control measures. The legislature finds that avalanche control is of vital importance to safety in ski areas and that the provisions of the Washington State Explosives

~~Act contain restrictions, which do not reflect special needs for the use of explosives as a means of clearing an area of serious avalanche risks. This act recognizes these needs while providing for a system of regulations designed to make sure that the use of explosives for avalanche control conforms to fundamental safety requirements.))~~

Reserved.

(h) Any violation under this chapter if any existing ordinance of any city, municipality, or county is more stringent.

(2) **Noncommercial military explosives.** Storage, handling, and use of noncommercial military explosives are exempt from this chapter while they are under the control of the United States government or military authorities.

(3) **Import, sale, possession, or use of:**

- Consumer fireworks
- Signaling devices
- Flares
- Fuses
- Torpedoes

(4) **Consumer fireworks.** Fireworks classified as Division 1.4 explosives by U.S. DOT and regulated through the State fireworks law (chapter 70.77 RCW) and the fireworks administrative code (chapter 212-17 WAC) by the Washington state fire marshal.

Note: Consumer fireworks are classified as fireworks UN0336 and UN0337 by U.S. DOT (49 CFR 72.101).

(5) **Partial exemption—Division 1.1, 1.2, or 1.3 display fireworks.** Display fireworks are fireworks classified as Division 1.1, 1.2, or 1.3 explosives by US DOT. Users of Division 1.1, 1.2, or 1.3 display fireworks must comply with all storage or storage related requirements (for example, licensing, construction, and use) of this chapter.

Note: Display fireworks are classified as fireworks UN0333, UN0334, or UN0335 by U.S. DOT (49 CFR 172.101).

(6) **Conditional exemption small arms explosive materials.** Public consumers possessing and using:

- Black powder, under five pounds
- Smokeless powder, under fifty pounds
- Small arms ammunition
- Small arms ammunition primers
- Unless these materials are possessed or used illegally or for a purpose inconsistent with small arms use.

AMENDATORY SECTION (Amending WSR 05-08-110, filed 4/5/05, effective 6/1/05)

WAC 296-52-60130 Definitions. Aerial blaster in charge means a person who:

- Is fully qualified, by means of training and experience in explosives use
- Is adequately trained, experienced, and capable of recognizing hazardous conditions throughout the blast area
- Is in charge of:
 - The blast process
 - All aspects of explosives and blasting agent storage, handling, and use as recommended by the manufacturer and as required by this chapter
- Is in a position of authority:
 - To take prompt corrective action in all areas of the blast operation

- Over all other blasters at the blast sight
- Has a minimum of five missions under the supervision of a licensed aerial blaster in charge
- Successfully completes a written exam for aerial blaster in charge.

Alien means any person who is not a citizen or national of the United States.

American Table of Distances means the American Table of Distances for Storage of Explosives as revised and approved by Institute of the Makers of Explosives (IME).

Approved storage facility means a facility for the storage of explosive materials which is in compliance with the following chapter:

- Storage licensing (WAC 296-52-660)
- Storage of explosive materials (WAC 296-52-690)
- Magazine construction (WAC 296-52-700).

ATF means the Bureau of Alcohol, Tobacco, Firearms and Explosives.

~~((**Attend** means the physical presence of an authorized person who stays in view of the explosives.))~~ **Attended, as attending explosives,** means the physical presence of an authorized person within the field of vision of explosives. The said attendant shall be awake, alert, and not engage in activities which may divert their attention so that in case of an emergency the attendant can get to the explosives quickly and without interference, except for brief periods of necessary absence, during which absence simple theft of explosives is not ordinarily possible.

Authorized, approved, or approval means authorized, approved, or approval by:

- The department
- Any other approving agency
- An individual as specified in this chapter.

Authorized agent means a person delegated by a licensed purchaser, who possesses a basic knowledge of explosives handling safety, to order and receive explosives on the purchaser's behalf.

Authorized agent list means a current list of agents the purchaser has authorized to order or receive explosives on their behalf.

Authorized person means a person approved or assigned by an employer, owner, or licensee to perform a specific type of duty or be at a specific location at the job site.

Avalanche means the sliding or falling of a large amount of snow down a steep slope which has a destructive force due to its mass.

Avalanche control pack means a specially designed and constructed pack for carrying explosives.

Avalanche control route means a route or specific path which is used by an authorized person in order to control the occurrence of avalanches.

Avalauncher means a device like a cannon which is used for avalanche control blasting. It has a rotating base calibrated for pointing and the barrel is mounted on an elevating mechanism. It uses a compressed gas to propel a projectile containing an explosive charge and detonating means. The gas source is connected to the gun by high pressure hose with in-line control valves and pressure gauges ahead of the trigger mechanism.

Barricades

• **Barricade** means effectively screening a building containing explosives by means of a natural or artificial barrier from a magazine, another building, a railway, or highway.

• **Artificial barricade** means a barricade of such height that a straight line from the top of any sidewall of the building containing explosives to the eave line of any magazine or other building or to a point twelve feet above the center of a railway or highway shall pass through such barrier, an artificial mound or properly revetted wall of earth with a minimum thickness of three feet.

• **Natural barricade** means any natural hill, mound, wall, or barrier composed of earth, rock, or other solid material at least three feet thick.

Blast area means the area of a blast that is effected by:

- Flying rock missiles
- Gases
- Concussion.

Blast pattern means the plan of the drill holes laid out and a display of the burden distance, spacing distance, and their relationship to each other.

Blast site means the area where explosive material is handled during loading and fifty feet in all directions from loaded blast holes or holes to be loaded.

Blaster means a person trained and experienced in the use of explosives and licensed by the department.

Blaster in charge means a licensed blaster who is:

• Fully qualified, by means of training and experience in explosives use

• Adequately trained, experienced, and capable of recognizing hazardous conditions throughout the blast area

• In charge of:

– The blast process
– All aspects of explosives and blasting agent storage, handling, and use as recommended by the manufacturer and as required by this chapter

• In a position of authority:

– To take prompt corrective action in all areas of the blast operation

– Over all other blasters at the blast area

Blaster's license means an individual license issued by the department under the provisions of chapter 296-52 WAC.

Blasting agent means any material or mixture consisting of a fuel and oxidizer:

- That is intended for blasting
- Not otherwise defined as an explosive

• If the finished product, as mixed for use or shipment, cannot be detonated by means of a number 8 test blasting cap when unconfined

– A number 8 test blasting cap is one containing two grams of a mixture of eighty percent mercury fulminate and twenty percent potassium chlorate, or a blasting cap of equivalent strength. An equivalent strength cap comprises 0.40-0.45 grams of PETN base charge pressed in an aluminum shell with bottom thickness not to exceed 0.03 of an inch, to a specific gravity of not less than 1.4 g/cc., and primed with standard weights of primer depending on the manufacturer

Blasting cap or cap when used in connection with the subject of explosives shall mean detonator.

Blockholing means the breaking of boulders by firing a charge of explosives that has been loaded in a drill hole.

Buildings that are not inhabited means a building(s) which has no one in it while explosives are being made up in an adjacent explosives makeup room or while explosives are being held in an adjacent day box or hand charge storage facility.

Competent person means a person who:

• Is capable of identifying existing hazardous and the forecasting of hazards of working conditions which might be unsanitary or dangerous to personnel or property

• Has authorization to take prompt corrective action to eliminate such hazards.

Consumer fireworks means:

• Any small firework device:

– Designed to produce visible effects by combustion

– That must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Product Safety Commission (Title 16 CFR, Parts 1500 and 1507),

• A small device designed to produce audible effects which include, but are not limited to:

– Whistling devices

– Ground devices containing 50 mg or less of explosive materials

– Aerial devices containing 130 mg or less of explosive materials

Note: Fused set pieces containing components, which, together, exceed 50 mg of salute powder are not included.

Conveyance means any unit used for transporting explosives or blasting agents, including, but not limited to:

- Trucks
- Trailers
- Rail cars
- Barges
- Vessels.

Day box means a box which:

• Is a temporary storage facility for storage of explosive materials

• Is not approved for unattended storage of explosives

• May be used at the worksite during working hours to store explosive materials, provided the day box is:

– Constructed as required (WAC 296-52-70065, Explosives day box)

– Marked with the word "explosives"

– Used in a manner that safely separates detonators from other explosives

– Guarded at all times against theft

Dealer means any person who purchases explosives or blasting agents for the sole purpose of resale and not for use or consumption.

Detonating cord means a round flexible cord containing a center core of high explosive and used to initiate other explosives.

Detonator means any device containing any initiating or primary explosive that is used for initiating detonation and includes, but is not limited to:

• Electric and electronic detonators of instantaneous and delay types

- Detonators for use with safety fuses, detonating cord delay connectors, and nonelectric instantaneous delay detonators which use detonating cord, shock tube, or any other replacement for electric leg wires.

Discharge hose means a hose with an electrical resistance high enough to limit the flow of stray electric currents to safe levels, but not high enough to prevent drainage of static electric charges to the ground. Hose not more than 2 megohms resistance over its entire length and of not less than 5,000 ohms per foot meets the requirement.

Display fireworks means large fireworks:

- Designed primarily to produce visible or audible effects by combustion, deflagration, or detonation, and include, but are not limited to:

- Salutes containing more than 2 grains (130 mg) of explosive materials
- Aerial shells containing more than 40 grams of pyrotechnic compositions
- Other display pieces, which exceed the limits of explosive materials for classification as "consumer fireworks"
- Fused set pieces containing components, which together exceed 50 mg of salute powder

Dud means an unexploded deployed charge which still has its initiation system in place.

Electric detonator means a blasting detonator designed for and capable of detonation by means of electric current.

Electric blasting circuitry consists of these items:

- **Bus wire.** An expendable wire used in parallel or series, or in parallel circuits, which are connected to the leg wires of electric detonators.

- **Connecting wire.** An insulated expendable wire used between electric detonators and the leading wires or between the bus wire and the leading wires.

- **Leading wire.** An insulated wire used between the electric power source and the electric detonator circuit.

- **Permanent blasting wire.** A permanently mounted insulated wire used between the electric power source and the electric detonator circuit.

Electric delay detonators means detonators designed to detonate at a predetermined time after energy is applied to the ignition system.

Electronic detonator means a detonator that utilizes stored electrical energy as a means of powering an electronic timing delay element/module that provides initiation energy for firing the base charge.

Emulsion means an explosive material containing:

- Substantial amounts of oxidizer dissolved in water droplets, surrounded by an immiscible fuel
- Droplets of an immiscible fuel surrounded by water containing substantial amounts of oxidizer.

Explosives means:

- Any chemical compound or mechanical mixture:
 - Commonly intended or used for the purpose of producing an explosion
 - That contains any oxidizing and combustible units or other ingredients in proportions, quantities or packing that an ignition by fire, friction, concussion, percussion, or detonation of any part of the compound or mixture may cause sudden generation of highly heated gases resulting in gaseous

pressures capable of producing destructive effects on contiguous objects or of destroying life or limb

- All material classified as Division 1.1, 1.2, 1.3, 1.4, 1.5, or 1.6 explosives by U.S. DOT

- For the purposes of public consumer use, the following are not considered explosives unless they are possessed or used for a purpose inconsistent with small arms use or other legal purposes:

- Small arms ammunition
- Small arms ammunition primers
- Smokeless powder, not exceeding fifty pounds
- Black powder, not exceeding five pounds

Explosive actuated power devices means any tool or special mechanized device, which is activated by explosives and does not include propellant actuated power devices.

Explosives classifications. Explosives classifications include, but are not limited to:

- Division 1.1 and Division 1.2 explosives (possess mass explosion or detonating hazard):

- Dynamite
- Nitroglycerin
- Picric acid
- Lead azide
- Fulminate of mercury
- Black powder (exceeding 5 pounds)
- Detonators (in quantities of 1,001 or more)
- Detonating primers

- Division 1.3 explosives (possess a minor blast hazard, a minor projection hazard, or a flammable hazard):

- Propellant explosives
- Smokeless powder (exceeding fifty pounds)

- Division 1.4 explosives:

- Explosives that present a minor explosion hazard
- Includes detonators that will not mass detonate in quantities of 1,000 or less

- Division 1.5 explosives:

- Explosives with a mass explosion hazard but are so insensitive that there is little probability of initiation
- ANFO and most other blasting agents are in this division

- Division 1.6 explosives:

- Explosives that are extremely insensitive and do not have a mass explosion hazard

Explosives exemption. The exemption for small arms ammunition, small arms ammunition primers, smokeless powder, not exceeding fifty pounds, and black powder, not exceeding five pounds:

- Applies to public consumer use only
- Does not apply to the employer employee relationship covered under the Washington Industrial Safety and Health Act.

Explosives international markings.

- The department will accept U.S. DOT and/or ATF international identification markings on explosives and/or explosives containers or packaging

- This exception is under the authority of RCW 70.74.020(3) and in lieu of Washington state designated markings (as defined by RCW 70.74.010(4) (Division 1.1, 1.2, and 1.3) and required by RCW 70.74.300).

Explosives manufacturing building means any building or structure, except magazines:

- Containing explosives where the manufacture of explosives, or any processing involving explosives, is conducted
- Where explosives are used as a component part or ingredient in the manufacture of any article or device.

Explosives manufacturing plant means all lands with buildings used:

- In connection with the manufacturing or processing of explosives
- For any process involving explosives
- For the storage of explosives
- To manufacture any article or device where explosives are used as a component part or ingredient in the article or device.

Fireworks means any composition or device:

- Designed to produce a visible or an audible effect by combustion, deflagration, or detonation
- Which meets the definition of "consumer fireworks" or "display fireworks."

Forbidden or not acceptable explosives means explosives which are forbidden or not acceptable for transportation by common carriers by rail freight, rail express, highway, or water in accordance with the regulations of the Federal Department of Transportation (DOT).

Fuel means a substance, which may react with oxygen to produce combustion.

Fuse (safety). See "safety fuse."

~~(**Fuse lighters** means special devices used for the purpose of igniting safety fuses.)~~ **Fuse igniter** means a special pyrotechnic device intended to be used to ignite safety fuses.

Hand charge means an explosive charge with a cap and fuse assembly inserted in place.

Handler means any individual who handles explosives or blasting agents for the purpose of transporting, moving, or assisting a licensed blaster in loading, firing, blasting, or disposal.

Note: This does not include employees of a licensed manufacturer engaged in manufacturing process, drivers of common carriers, or contract haulers.

Hand loader means any person who engages in the non-commercial assembly of small arms ammunition for personal use; specifically, any person who installs new primers, powder, and projectiles into cartridge cases.

Highway means roads, which are regularly and openly traveled by the general public and includes public streets, alleys, roads, or privately financed, constructed, or maintained roads.

Improvised device means a device, which is:

- Fabricated with explosives
- Fabricated with destructive, lethal, noxious, pyrotechnic, or incendiary chemicals, and designed, or has the capacity to disfigure, destroy, distract, and harass.

Inhabited building means:

- A building which is regularly occupied, in whole or in part, as a habitat for human beings
- Any church, schoolhouse, railroad station, store, or other building where people assemble.

Note: This does not mean any building or structure occupied in connection with the manufacture, transportation, storage, or use of explosives.

Low explosives means explosive materials, which can be caused to deflagrate when, confined. This includes:

- Black powder, safety fuses, igniters, igniter cords, fuse lighters, and display fireworks defined as Division 1.2 or Division 1.3 explosives by U.S. DOT (49 CFR Part 173).

Note: This does not apply to bulk salutes.

Magazine means any building, structure, or container approved for storage of explosive materials.

Note: This does not apply to an explosive manufacturing building.

Manufacturer means any person engaged in the business of manufacturing explosive materials for purposes of sale or distribution or for his or her own use.

EXEMPTIONS: The following exemptions are restricted to materials and components, which are not classified (by U.S. DOT) as explosives until after they are mixed. With this restriction, the definition of manufacturer *does not* include:

- Inserting a detonator into a cast booster or a stick of high explosive product to make a primer for loading into a blast hole
- The act of mixing on the blast site, either by hand or by mechanical apparatus, binary components, ammonium nitrate, fuel oil, and/or emulsion products to create explosives for immediate down blast hole delivery.

Misfire means the complete or partial failure of an explosive charge to explode as planned.

Mudcap (also known as bulldozing and dobbing) means covering the required number of cartridges that have been placed on top of a boulder with a three or four-inch layer of mud, which is free from rocks or other material that could cause a missile hazard.

No-light means the failure of a safety fuse to ignite.

Nonelectric delay detonator means a detonator with an integral delay element in conjunction with and capable of being detonated by a:

- Detonation impulse
- Signal from miniaturized detonating cord
- Shock tube.

Oxidizer means a substance that yields oxygen readily to stimulate the combustion of organic matter or other fuel.

Permanent magazines means magazines that:

- Are fastened to a foundation
- Do not exceed permanent magazine capacity limits (RCW 70.74.040)
- Are approved and licensed
- Are left unattended.

Person means any individual, firm, partnership, corporation, company, association, person or joint stock association or trustee, receiver, assignee, or personal representative of that entity.

Person responsible, for an explosives magazine, means:

- The person legally responsible for a magazine that actually uses the magazine
- The person is responsible for the proper storage, protection, and removal of explosives, and may be the owner lessee, or authorized operator.

Portable (field) magazines means magazines that are:

- Designed to be unattended
- Not permanently fastened to a foundation
- Constructed or secured to make sure they cannot be lifted, carried, or removed easily by unauthorized persons
 - Limited to the capacity of explosives required for efficient blasting operation
 - Approved and licensed.

Possess means the physical possession of explosives in one's hand, vehicle, magazine, or building.

Primary blasting means the blasting operation that dislodged the original rock formation from its natural location.

Primer means a unit, package, cartridge, or container of explosives inserted into or attached to a detonator or detonating cord to initiate other explosives or blasting agents.

Propellant actuated power device means any tool, special mechanized device, or gas generator system, which is actuated by a propellant and releases and directs work through a propellant charge.

Public utility transmission systems means:

- Any publicly owned systems regulated by:
 - The utilities and transportation commission
 - Municipalities
 - Other public regulatory agencies, which include:
 - Power transmission lines over 10 kV, telephone cables, or microwave transmission systems
 - Buried or exposed pipelines carrying water, natural gas, petroleum, or crude oil or refined products and chemicals

Purchaser means any person who buys, accepts, or receives explosives or blasting agents.

Pyrotechnics, commonly referred to as fireworks, means any combustible or explosive compositions or manufactured articles designed and prepared for the purpose of producing audible or visible effects.

Qualified person means a person who has successfully demonstrated the ability to solve or resolve problems relating to explosives, explosives work, or explosives projects by:

- Possession of a recognized degree or certificate
- Professional standing
- Extensive knowledge, training, and experience.

Railroad means any type of railroad equipment that carries passengers for hire.

Safety fuse (for firing detonators) means a flexible cord containing an internal burning medium by which fire is conveyed at a continuous and uniform rate.

Secondary blasting means using explosives, mudcapping, or blockholing to reduce oversize material to the dimension required for handling.

Shock tube means a small diameter plastic tube:

- Used for initiating detonators
- That contains a limited amount of reactive material so energy, transmitted through the tube by means of a detonation wave, is guided through and confined within the walls of the tube.

Small arms ammunition means any shotgun, rifle, pistol, or revolver cartridge, and cartridges for propellant actuated power devices and industrial guns.

Note: This does not mean military type ammunition containing explosive bursting incendiary, tracer, spotting, or pyrotechnic projectiles.

Small arms ammunition primers means small percussion sensitive explosive charges encased in a detonator or capsule used to ignite propellant power or percussion detonators used in muzzle loaders.

Smokeless powder means solid chemicals or solid chemical mixtures that function by rapid combustion.

Special industrial explosive devices means explosive actuated power devices and propellant-actuated power devices.

Special industrial explosives materials means shaped materials and sheet forms and various other extrusions, pellets, and packages of high explosives, which include:

- Dynamite
- Trinitrotoluene (TNT)
- Pentaerythritol tetranitrate (PETN)
- Hexahydro-1, 3, 5-trinitro-s-triazine (RDX)
- Other similar compounds used for high-energy-rate forming, expanding, and shaping in metal fabrication, and for dismemberment and quick reduction of scrap metal.

Springing means the creation of a pocket in the bottom of a drill hole by the use of a moderate quantity of explosives so that larger quantities of explosives may be inserted.

Sprung hole means a drilled hole that has been enlarged by a moderate quantity of explosives to allow for larger quantities of explosives to be inserted into the drill hole.

Stemming means a suitable inert incombustible material or device used to confine or separate explosives in a drill hole or cover explosives in mudcapping.

Trailer means semi-trailers or full trailers, as defined by U.S. DOT, which are:

- Built for explosives
- Loaded with explosives
- Operated in accordance with U.S. DOT regulations.

U.S. DOT means the United States Department of Transportation.

Vehicle means any car, truck, tractor, semi-trailer, full trailer, or other conveyance used for the transportation of freight.

Water-gels or emulsion explosives. These explosives:

- Comprise a wide variety of materials used for blasting. Two broad classes of water-gels are those which:
 - Are sensitized by material classed as an explosive, such as TNT or smokeless powder
 - Contain no ingredient classified as an explosive which are sensitized with metals, such as aluminum, or other fuels
- Contain substantial proportions of water and high proportions of ammonium nitrate, some ammonium nitrate is in the solution in the water, and may be mixed at an explosives plant, or the blast site immediately before delivery into the drill hole.

AMENDATORY SECTION (Amending WSR 03-10-037, filed 4/30/03, effective 5/24/03)

WAC 296-52-61040 Reasons why applicants may be disqualified. (1) Licenses will not be issued for the manufac-

ture, retail sale(;) or purchase(~~(-storage, or use)~~) of explosives to any applicant(;) who is any of the following:

- (~~Who~~) Does not provide proof of a valid explosive license or permit issued by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF)
 - Under twenty-one years of age
 - Whose license is suspended or revoked, except as provided in this section
 - Convicted in any court of a crime punishable by imprisonment for a term exceeding one year
 - Legally determined at the time of application to be:
 - Mentally ill
 - Insane
 - Committed to a mental institution
 - Incompetent due to any mental disability or disease at the time of application.

Note: The department will not reissue a license until competency has been legally restored.

- Physically ill or disabled, and cannot use explosives safely. Disqualifying disabilities may include, but are not limited to:
 - Blindness
 - Deafness
 - Epileptic or diabetic seizures or coma.

Note: The department will not reissue a license until the applicant's physical ability is verified by a qualified physician through the appeal process (WAC 296-52-60065, Violation appeals).

- Who is an alien, unless:
 - They are lawfully admitted for permanent residence
 - They are in lawful nonimmigrant status
- Who has been dishonorably discharged from the United States armed forces
- Who has renounced their citizenship from the United States.

(2) A user (blaster) license will not be issued if the applicant is denied a receiver or employee possessor designation by ATF.

AMENDATORY SECTION (Amending WSR 05-08-110, filed 4/5/05, effective 6/1/05)

WAC 296-52-64005 Responsibility to obtain a blaster's license. No one may conduct a blasting operation without a valid blaster's license issued by the department.

Note: A blaster's license is not required for a "hand loader."

Blaster license classifications table. The following information shows classification for blasting licenses.

- **Classification list assignment.** Classification list assignment is determined by the use of single or multiple series charges; and the knowledge, training, and experience required to perform the type of blasting competently and safely.

- **Multiple list applications.** When an applicant wants to apply for multiple classifications and the classifications desired are from two or more classification table lists:

- All classifications must be requested on the application
- Qualifying documentation for all classifications being applied for must be included in the applicant's resume (WAC 296-52-64050, Applicant information). Training and experience may fulfill qualification requirements in multiple classifications.

- **Request classifications not lists.** Applicants must request specific classifications (not list designations) on their blaster application. Licenses are not issued or endorsed for Classification Table lists A, B, or C.

- **License additions.** To add a classification to an existing license, see WAC 296-52-64085, Changes to a blaster's license classification.

License Classifications Table					
LIST A		LIST B		LIST C	
AB	Aerial Blasting	DE	Demolition	BT	Bomb Technician*
AG	Agriculture	SB	Surface Blasting*	UL	Unlimited*
AV	Avalanche Control	UB	Underground Blasting		
ED	Explosives Disposal*	UW	Underwater Blasting		
FO	Forestry*				
LE	Law Enforcement*				
IO	Industrial Ordnance				
SE	Seismographic				
TS	Transmission Systems				
WD	Well Drilling				

* Detailed classification information.

- **Aerial blasting.** Will require experience and passing aerial blasting test.

- **Bomb technician.** Disposal of bombs, illegal fireworks and explosive devices.

- **Explosives disposal.** Disposal of explosive materials by licensed blasters.

- **Forestry.** Includes logging, trail building, and tree topping.

- **Law enforcement.** Diversionary devices, explosive detection K-9 dog handlers, crowd control devices (stingers) (~~and~~) requires taking a handlers test. Tactical entry (breaching) requires taking the tactical entry test.

- **Surface blasting.** Includes construction, quarries, and surface mining.
- **Unlimited.** Includes all classifications except underground blasting and law enforcement.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-64030 List A qualifications. To be considered for a blaster's license, limited to one or more List A classifications, an applicant must have a minimum of forty hours documented training accrued during the previous six years.

The training must include a minimum of one of these three requirements:

- Eight hours basic blaster safety classroom training and thirty-two hours classification specific field training experience under a qualified blaster
- Sixteen hours basic blaster safety classroom training and twenty-four hours classification specific field training experience under a qualified blaster
- Twelve months classification specific field training experience.

Aerial blasting classification shall require:

- Standard avalanche control blaster's license
- Experience requirement of five missions under the supervision of a licensed aerial blaster
- Successful completion of a written exam.

Note: Additional personnel on board with a standard avalanche control blaster's license may log each mission toward the aerial blasting endorsement experience requirement.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-66050 Moving(~~, altering, or destroying~~) a licensed magazine. (~~Follow these requirements to move, alter, or destroy a licensed magazine.~~) (1) When a magazine is moved(~~, altered, or destroyed, the licensee must~~) the owner of the magazine must notify the department with:

- (a) (~~Notify the department~~) The license number of the magazine
- (b) (~~Provide the license number of the magazine~~) Identify the specific alterations made to the magazine
- (c) The new location of the magazine

(2) A magazine may be moved on a job site within a reasonable distance from the original location stated on the application without notifying the department, provided the:

- (a) New location complies with the requirements of this chapter and the Washington State Explosives Act
- (b) Magazine can be quickly located for an inspection.

NEW SECTION

WAC 296-52-66053 Altering or destroying a licensed magazine. (1) When a magazine is altered, the licensee must notify the department with:

- The license number of the magazine.
- The specific alterations made to the magazine.

- (2) When a magazine is destroyed, the licensee must notify the department with the license number of the magazine.

NEW SECTION

WAC 296-52-66057 Transfer, sale or lease of a magazine or mobile storage site. (1) When a magazine or mobile storage site is leased, the owner of the magazine or mobile storage site must notify the department with:

- (a) The magazine license number or site license number
- (b) The name of the individual or company leasing the magazine or mobile storage site

(2) When a magazine or mobile storage site is transferred or sold from one entity to another, the previous owner/licensee shall notify the department with:

- (a) The magazine license number or site license number
- (b) The date of the sale or transfer
- (c) The name of the individual or company to whom the magazine or mobile storage site was sold or transferred to
- (d) Who will be licensing the magazine or mobile storage site

(e) The name of the contact person and phone number.

(3) A new owner/licensee of a magazine or mobile storage site:

- (a) Is responsible for the safe operation of the magazine or mobile storage site
- (b) They must also:
 - Submit a magazine storage application to the department
 - Pay the license fee for a minimum of one year
 - Obtain a storage license prior to storing explosive materials in the magazine or at the mobile storage site

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-67090 Initiation systems. (1) General initiation rules.

- (a) **Training and supervision.**
 - (i) The blaster in charge must provide adequate on-the-job training and supervision in the safe use of initiation systems.
 - (ii) All members of the blasting crew must be instructed, by the blaster in charge, in the safe use of the initiation system to be used and its system components.

(b) **Manufacturer recommendations.** All initiation systems and system components must be used in accordance with manufacturer recommendations and instructions.

(c) **Vehicle use precautions.**

- (i) Explosives bulk trucks or other vehicles operated on a blast site cannot tread on:
 - (A) Tubing
 - (B) Connectors

OR

(C) Any surface delay component

(ii) If a vehicle must pass over loaded blast holes. Precautions must be made to consolidate tubing, connectors, or any surface delay component at the collar of the hole to prevent vehicle contact.

(d) **Connecting the firing line.** Firing lines cannot be connected to the blast initiating device until all personnel are:

- (i) Accounted for
- (ii) Removed from the blast danger area

OR

Are in a blast shelter or other location that provides equivalent protection

(e) **Visual inspection.** The blaster in charge must visually inspect the initiation system to make sure it is assembled according to the manufacturer's recommendations, before firing the shot.

(f) **Explosives not used:**

(i) Unused detonators or short capped fuses cannot be placed in holes that may be used for blasting.

(ii) Unused detonators must be removed from the work area and disposed of or stored in a licensed magazine.

(iii) Loose cartridges of explosives, detonators, primers, and capped fuses that are not used by the end of the work shift must be returned to and locked in their magazines.

(2) **Nonelectric initiation systems.**

(a) **Shock tube lines.** When a nonelectric shock tube initiation system is used:

(i) Spools of shock tube lines cannot be spooled from trucks or equipment.

(ii) The shock tube line must:

(A) Be free of knots and tight kinks

(B) Be free of cuts or abrasions that could expose the core to moisture

(C) Not be stretched

(D) Be neat and orderly

(iii) Tie ins must be kept neat and clean.

(iv) Unused lead line must be sealed to prevent moisture and dirt from entering the tube.

(v) Care must be taken to avoid hitting the tube with a shovel when the shock tube is being covered.

(vi) The end of the detonator must be pointed toward the front of the shot to minimize the chance of shrapnel flying to the rear of the blast where the shock tube will be lit.

(b) **Surface connector blocks.** Nonelectrical tubes must:

(i) Be secured properly in surface connector blocks.

(ii) Never exceed the rated capacity of tubes in surface connector blocks.

(c) **Splicing line.** A knot must be tied in the tubes to take the strain off of the splice.

(d) **Detonator cord.** If a detonator cord is used for surface tie in:

(i) All lines must be kept taut.

(ii) Connections to nonelectrical units must be at ninety degree angles.

(e) **Equipment and personnel.**

(i) Equipment cannot roll over shock tubes.

(ii) All unnecessary equipment and personnel must be removed from the blast area during loading.

(3) **Electric initiating systems.**

(a) **Survey of extraneous currents.** A survey to evaluate extraneous currents must be conducted:

(i) By the blaster in charge before adopting any system of electrical firing.

(ii) To eliminate all currents before holes are loaded.

(b) **Detonator compatibility, style, function, and manufacture.** In any single blast using electric detonators, all detonators must be:

(i) Compatible with each other.

(ii) Of the same style or function.

(iii) From the same manufacturer.

(c) **Wire capacity and gauge.**

(i) Connecting wires and lead wires must:

(A) Be insulated single solid wires with sufficient current carrying capacity

(B) Not be less than twenty gauge (American wire gauge) solid core insulated wire

(ii) Firing line or lead wires must:

(A) Be made of solid single wires with sufficient current carrying capacity

(B) Not be less than fourteen gauge (American wire gauge) solid core insulated wire

Note: Bus wires, depends on the size of the blast, fourteen gauge (American wire gauge) copper is recommended.

(d) **Lead wires.**

(i) **Shunting.** You must shunt the ends of lead wires that will be connected to a firing device by twisting them together before they are connected to leg or connecting wires.

(ii) **Control.** The blaster in charge must keep control of shunted lead wires until loading is completed and the leg wires are attached.

(iii) **Attachment.** Lead wires must be attached by the blaster in charge when it is time to fire the shot.

(e) **Detonator leg wires.** Electric detonator leg wires must:

(i) Be kept shunted (short circuited) until they are connected into the circuit for firing.

(ii) Not be separated (except for testing) until all holes are loaded and the loader is ready to connect the leg wires to the connecting or lead wires.

(f) **Circuits.**

(i) Blasting circuits or power circuits must be used in electric blasting and according to the electric detonator manufacturer's recommendations.

(ii) Care must be taken to make sure an adequate quantity of delivered current is available according to the manufacturer's recommendations, when firing a circuit of electric detonators.

(iii) A power circuit used for firing electric detonators cannot be grounded.

(iv) The firing switch must be designed so the firing lines to the detonator circuit automatically short circuit when the switch is in the "off" position.

(v) The firing switch must be locked in the "open" or "off" position at all times, except when firing from a power circuit.

(g) **Firing line insulation.** The insulation on all firing lines must be adequate and in good condition when firing electrically.

(h) **Testing.**

(i) The firing line must be checked at the terminals with an approved testing device before being connected to the blasting machine or other power sources.

(ii) The circuit, including all detonators, must be tested with an approved testing device before being connected to the firing line.

(i) **Switch keys.** The blaster in charge is the only person who is allowed to have firing switch keys in their possession.

(j) **Blasting machines.** A nonelectric system must be used if these requirements cannot be satisfied:

(i) Blasting machines must be in good condition.

(ii) The efficiency of the blasting machine must be tested periodically to make sure it delivers power at its rated capacity.

(iii) **Responsible person.**

- The blaster in charge must be in charge of blasting machines

- The blaster in charge must connect the lead wires to the blasting machine and must fire the shot

(iv) **Connections.**

- When firing with blasting machines, connections must be made according to the manufacturer of the electric detonator's recommendations

- All connections must be made from the drill hole back to the source of the firing current

- Lead wires must remain shunted and not connected to the blasting machine or other source of current until the charge is ready to fire

- The number of electric detonators connected to a blasting machine cannot exceed the blasting machine's rated capacity

(v) **Series circuit.** In primary blasting, a series circuit cannot contain more detonators than the manufacturer's recommended limits for electric detonators.

(vi) **Circuit testing.** A blaster in charge must use blasting testers specifically designed to test circuits to charged holes.

(vii) **Blasting near power lines.** Whenever lead or blasting wires could be thrown over live overhead powerlines, communication lines, utility services, or other services or structures by the force of an explosion, care must be taken to make sure:

(A) The total length of wires are short enough so they will not hit the lines

(B) The wires are securely anchored to the ground

(C) The owners or operators of the utilities (~~(blasting)~~) in the blast area are notified

(viii) **Disconnecting lead wires.** After firing an electric blast from a blasting machine, lead wires must be immediately disconnected from the machine and short-circuited.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-68025 Transportation of workers. Only ~~((the driver and two additional people are))~~ authorized personnel properly trained in the safe handling of explosives will be allowed in vehicles transporting explosives, provided seat belts are available for all occupants. ((Explosives cannot be carried when additional workers are being transported.))

AMENDATORY SECTION (Amending WSR 05-08-110, filed 4/5/05, effective 6/1/05)

WAC 296-52-70010 Building construction for Type 1 magazines. All building-type storage facilities must:

- Be constructed of masonry, wood, metal, or a combination of these materials

- Have no openings except for entrances and ventilation
- Have the ground around the facility slope away for drainage

(1) **Wall construction.**

(a) **Masonry wall construction.** Masonry wall construction must:

- Consist of brick, concrete, tile, cement block, or cinder block

- Be at least eight inches thick

(b) **Hollow masonry construction.** Hollow masonry construction must:

- Have all hollow spaces filled with well tamped coarse dry sand

OR

- Have weak concrete (a mixture of one part cement to eight parts sand with enough water to dampen the mixture) while tamping in place

AND

- Have interior walls covered with a nonsparking material

(c) **Fabricated metal wall construction.**

- Metal wall construction must be securely fastened to a metal framework and consist of one of the following types of metal:

- Sectional sheets of steel (at least number 14 gauge)

OR

- Aluminum (at least number 14 gauge)

- Metal wall construction must:

- Be lined with brick, solid cement blocks, and hardwood at least four inches thick or material of equivalent strength

- Have a minimum of six-inch sand fill between interior and exterior walls

- Have interior walls constructed of or covered with a nonsparking material

(d) **Wood frame wall construction.**

- Exterior wood walls must be covered with iron or aluminum at least number 26 gauge

- Inner walls, made of nonsparking materials must be constructed with a space:

- A minimum of six inches between the outer and inner walls

AND

- Filled with coarse dry sand or weak concrete

(2) **Floors.** Floors must be:

(a) Constructed of a nonsparking material.

(b) Strong enough to hold the weight of the maximum quantity to be stored.

(3) **Foundation.**

- Foundations must be constructed of brick, concrete, cement block, stone, or wood posts

- If piers or posts are used instead of a continuous foundation, the space under the building must be enclosed with metal

(4) Roof.

(a) Roofs must be covered with no less than number 26 gauge iron or aluminum fastened to a 7/8-inch sheathing, except for buildings with fabricated metal roofs.

(b) If it is possible for a bullet to be fired directly through the roof at such an angle that it would strike a point below the top of the inner walls, storage facilities must be protected by one of the following two methods:

- A sand tray must be:

- Located at the top of the inner wall covering the entire ceiling area, except the area necessary for ventilation.

- Lined with a layer of building paper.

- Filled with at least four inches of coarse dry sand.

- A fabricated metal roof must be constructed of 3/16-inch plate steel lined with four inches of hardwood or material of equivalent strength. For each additional 1/16-inch of plate steel, the hardwood or material of equivalent strength lining may be decreased one inch.

(5) Doors and hinges.

(a) All doors must be constructed of 1/4-inch plate steel and lined with ~~((two))~~ three inches of hardwood or material of equivalent strength.

(b) Hinges and hasps must be installed so they cannot be removed when the doors are closed and locked by:

- Welding
- Riveting

OR

- Bolting nuts on the inside of the door

(6) Locks.

(a) Each door must be equipped with:

- Two mortise locks
- Two padlocks fastened in separate hasps and staples
- A combination of a mortise lock and a padlock
- A mortise lock that requires two keys to open

OR

- A three-point lock

(b) Padlocks must:

- Have a minimum of five tumblers
- Have a case hardened shackle at least 3/8 inches in diameter
 - Be protected with a minimum of 1/4-inch steel hoods, constructed to prevent sawing or lever action on the locks, hasps, and staples

Note: These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be operated from the outside.

(7) Ventilation.

- A two-inch air space must be left around ceilings and the perimeter of floors, except in doorways

- Foundation ventilators must be at least four inches by six inches

- Vents in the foundation, roof, or gables must be screened and offset

(8) Exposed metal.

- Sparking metal construction cannot be exposed below the tops of walls in storage facilities

- All nails must be blind nailed, countersunk, or nonsparking.

AMENDATORY SECTION (Amending WSR 05-08-110, filed 4/5/05, effective 6/1/05)

WAC 296-52-70045 Type 4 magazines: Blasting agent, low explosive, or ((electric)) nonmass detonating detonator storage facilities. A Type 4 storage facility must:

- Be a building, an igloo, an army-type structure, a tunnel, a dugout, a box, a trailer, semi-trailer, or other mobile facility

- Be fire resistant, weather resistant, and theft resistant

- Have the ground around the facility slope away for drainage

- Have the wheels removed or effectively immobilized by kingpin locking devices or other methods approved by the department, when an unattended vehicular magazine is used.

Note: Test results show that electric detonators are not affected by sympathetic detonation. Therefore, a Type 4 storage facility meets the necessary requirements for storage of electric detonators.

PART H AVALANCHE CONTROL

NEW SECTION

WAC 296-52-800 Avalanche control. (1) General.

(a) During periods of high avalanche danger, areas in avalanche paths shall not be opened for use until trained personnel have evaluated conditions and determined whether avalanche control work is necessary.

(b) When avalanche control work is deemed necessary, areas in the potential avalanche path shall be closed until the risk of avalanches has been reduced to a level determined appropriate by trained personnel.

(c) An avalanche shall not be purposely released until the avalanche path and potential runout zone are clear of personnel and vehicles.

(d) Avalanche guards, signs, and/or barricades shall be positioned at normal entrances to the avalanche path if there is any chance that personnel and vehicles will enter the danger zone during intentional release activities.

(e) During very unstable snow conditions, release of one avalanche may trigger sympathetic releases over a wide area. Avalanche workers shall consider such possibility and clear the appropriate areas of personnel and vehicles.

(2) Personnel and equipment.

(a) The avalanche control crew shall be adequately trained and physically capable for tasks which can be anticipated in their individual job assignments.

(b) No person shall accept or be given a job assignment which is beyond the individual's physical ability or training.

(c) On-slope assignments which include potential exposure to avalanche hazards shall only be conducted by fully qualified and fully equipped control crew members.

(d) The control crew may be split up into smaller groups (teams) to work on multiple areas simultaneously provided that each team consists of at least two qualified members.

(e) Each avalanche control crew or team shall have one or more designated rescue coordinators as is deemed necessary to maintain communications. Compliance with this requirement may be achieved by designating control crew

teams to serve as each others' rescue coordinator provided that the teams are reasonably proximate to each other and do in fact maintain frequent communications.

(f) Each avalanche control crew member shall be equipped for continuous two-way communications to the avalanche crew coordinators.

(g) The avalanche crew or teams shall not be assigned to on-slope areas where they cannot maintain communications with their designated coordinator. This requirement may be met by the use of a relay person; however, if any team completely loses communications, they shall return directly to base via the safest route available.

(h) Each person on an avalanche control team shall be equipped with a shovel and an electronic transceiver before commencing on-slope control work. The transceiver shall be in the transmit position whenever personnel are performing on-slope job assignments.

(3) Avalanche rescue plan. All employers with avalanche control personnel shall have a written avalanche rescue plan. The plan shall require:

(a) All rescue personnel who will be assigned to on-slope activities shall:

- (i) Be competent skiers;
- (ii) Have a current first-aid card;
- (iii) Be thoroughly trained in the rescue plan details;
- (b) A specific list of required equipment for rescue crew personnel including:

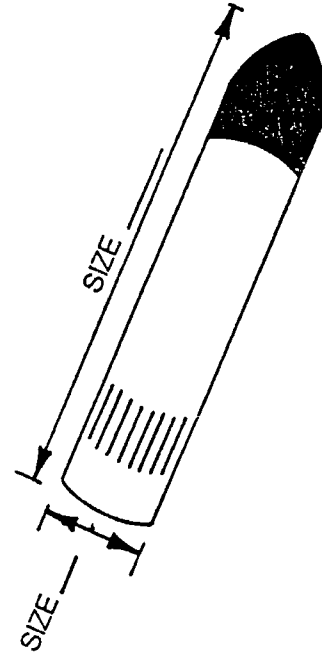
- (i) Probes;
- (ii) Belaying rope;
- (iii) Shovels;
- (iv) Two-way communication radios;
- (v) Electronic transceivers;
- (c) A list of rescue equipment locations;
- (d) Specific rescue procedures to be followed.

NEW SECTION

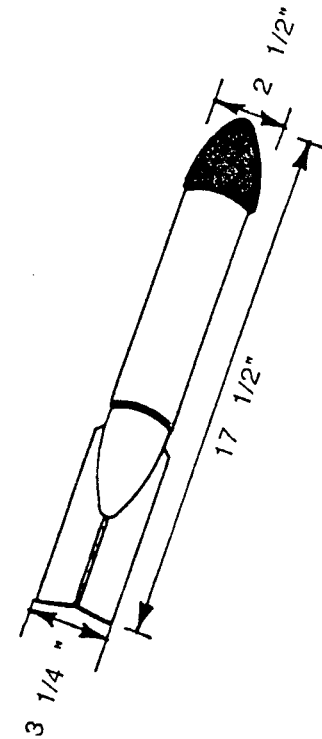
WAC 296-52-802 Acceptable warning signs for typical avalanche control devices (duds).

DANGER
EXPLOSIVES ON THE MOUNTAIN

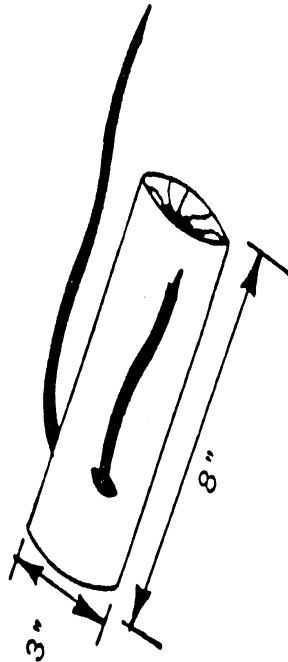
Unexploded warheads, projectiles, or hand charges used in avalanche control may be found in target areas or in avalanche runout zones.



UNEXPLODED WARHEADS
WARHEAD MAY BE DISTORTED
FROM IMPACT.



((AVALANCHER)) AVALAUNCHER PROJECTILE
RED OPAQUE BODY,
RED TRANSLUCENT FINS.



DYNAMITE HANDCHARGE
 ((BROWN COLOR)) COLORED WRAPPING,
 WILL USUALLY HAVE FUSE.

If you find an unexploded (dud) charge, do the following:

1. Do not disturb or touch!
2. Mark the location within 5 to 10 feet.
3. Immediately report the location.

NEW SECTION

WAC 296-52-803 Storage, makeup, and use of explosives for avalanche control blasting. (1) General.

(a) The storage, handling, and use of explosives and blasting agents used in avalanche control practices shall comply with this chapter and chapter 70.74 RCW.

(b) The minimum requirements published in chapter 296-52 WAC, Part H, shall be applicable to the storage, handling, and use of explosives and blasting agents in the endeavor of avalanche control.

(2) Management responsibility.

(a) Explosives and blasting agents shall not be stored in any regularly occupied areas or buildings except in compliance with this chapter.

(b) Explosives and blasting agents shall not be assembled or combined to form armed charges in any regularly occupied area or building except in compliance with this chapter.

(3) Personnel.

(a) Only fully qualified and licensed blasters shall be permitted to assemble or arm explosives components.

(b) Training shall include avalanche blasting experience so that the problems encountered in cold weather blasting are known factors.

(c) All training activities shall be conducted under the attended supervision of a fully qualified and licensed blaster.

(4) General requirements.

(a) Initiating systems for hand-placed or hand-thrown charges.

(i) The ignition system on single-unit hand-thrown charges shall consist of a nonelectric cap or shock tube and approved initiation system.

(ii) Multiple units combined to form a single hand-placed charge may use the above system, an approved detonating cord system or shock tube system. No other ignition system shall be permissible without specific approval by the department.

(iii) When using a shock tube system, after all charges are in place, connected to the shock tube trunk line and ready for initiation, the shock tube initiation tool shall be attached for firing.

(b) Multiple charge blasts.

(i) Detonating cord or shock tube system shall be used in lieu of blasting wire to connect multiple charge blasts.

(ii) When using detonating cord systems, after all charges are placed, connected to the detonating cord, and the charges are ready to be ignited, a safety fuse and cap shall be attached to the detonating cord. A fuse igniter may then be attached to ignite the safety fuse.

(c) Blasting caps shall be no larger than No. 8 except when recommended by the explosives manufacturer for a particular explosive used within a specific application.

(d) Electric blasting caps are not permitted.

(e) Safety fuse and shock tube.

(i) Only the highest quality safety fuse with excellent water resistance and flexibility shall be used.

(ii) Shock tube systems may be used in place of fuse cap and safety fuse systems.

(f) Fuse length.

(i) Safety fuse length shall be selected to permit the control team adequate escapement time from the blast area under all reasonable contingencies (falls, release of bindings, etc.)

(ii) In no instance shall a fuse length with less than ninety seconds burn time be permitted.

(iii) The burn time of each roll of safety fuse shall be checked prior to use.

(iv) Checked rolls shall be marked with the tested burn time.

(v) It is recommended that all hand charges be prepared for ignition with either one safety fuse and igniter or a double safety fuse and igniters.

Note: Standard safety fuse burns at a rate of forty to fifty-five seconds at two thousand five hundred meters elevation. This rate equates to approximately twenty-four inches fuse length for ninety second hand charge fuses at normal avalanche control elevations, but fuse burn rate should be checked before each use.

(5) Explosives.

(a) Explosives chosen shall have a safe shelf life of at least one operating season in the storage facilities in which it will be stored.

(b) Explosives chosen shall have excellent water and freezing resistance.

(c) Industrial primers (or boosters) that consist mainly of TNT or gelatin are the recommended explosives.

(6) Transporting explosives and hand charges.

(a) Hand charges or explosives components shall be transported in approved type avalanche control packs, in United States Department of Transportation-approved shipping containers or in licensed magazines.

(b) Criteria for avalanche control packs.

(i) The pack shall be constructed of water resistant material.

(ii) Packs shall be constructed with sufficient individual compartments to separate hand charges or explosives components from tools or other equipment or supplies which may be carried in the pack.

(iii) Each compartment used for hand charges or explosives components shall have an independent closure means.

(iv) If fuse igniters will be permitted to be carried on the avalanche control pack, a separate compartment with individual closure means shall be attached to the outside of the exterior of the pack.

(c) Use of avalanche control packs.

(i) Packs shall be inspected daily, prior to loading, for holes or faulty compartment closures. Defective packs shall not be used until adequately repaired.

(ii) Tools or other materials shall not be placed in any compartment which contains hand charges or explosives components.

(iii) Fuse igniters shall never be placed anywhere inside the pack when the pack contains hand charges or other explosives components.

(iv) Fuse igniters may be carried in a separate compartment attached to the outside of the pack exterior but preferably in a compartment attached to the front of the carrying harness. Another acceptable alternative is to carry the igniters in a jacket pocket completely separate from the pack.

(v) Hand charges or explosives components shall not be stored or left unattended in avalanche control packs. Unused hand charges shall be promptly disassembled at the end of individual control routes and all components returned to approved storage.

(vi) Individual control team members shall not carry more than thirty-five pounds of hand charges in avalanche control packs.

(vii) A hand charge or cap and fuse assembly which has a fuse igniter attached shall never be placed in an avalanche control pack for any reason.

(d) Whenever explosives or explosives components are transported in or on any vehicle powered by an internal combustion engine, provisions shall be made to ensure that said explosives or containers cannot come into contact with the hot exhaust system.

(e) Hand charges or explosives components shall not be transported in spark-producing metal containers.

(f) Hand charges shall not be transported on public roads and highways when such roads or highways are open to the public. Explosives components shall only be transported on public roads or highways in compliance with United States Department of Transportation regulations.

NEW SECTION

WAC 296-52-805 Hand charge makeup methods.

General. The department shall recognize two permissible methods concerning hand charges for avalanche control blasting. The descriptions and requirements for each method are contained in this section.

Note: A well-designed and constructed hand charge makeup room can enhance the correct assembly of explosive components and reduce the incidences of misfires from incorrect makeup or moisture.

(1) Method I. Makeup at the blast site.

(a) The ignition system shall consist of a nonelectrical blasting cap and highest quality water resistant safety fuse, or detonating cord, assembled as recommended by the manufacturer.

(b) Detonating cord shall be used to connect separated multiple-charge blasts.

(c) No other ignition system shall be permissible on hand-placed or hand-thrown avalanche control charges unless variance is granted by the department.

(d) Caps shall be installed on correct length fuses prior to being transported out onto control routes.

(e) Caps shall only be crimped with a crimper tool approved for that purpose.

(f) Assembling caps and fuses shall be done in a warm, dry, well-lighted environment. The location used for assembly shall not have flammable fuels, flammable gases, or explosives present where accidental detonation of the caps could create a secondary ignition or detonation hazard.

(g) Each cap shall be protected by a styrofoam shield or the equivalent before being placed in an avalanche control pack for transportation.

(h) A fuse igniter shall never be attached to a fuse until the fuse and cap assembly is installed in the hand charge at the blast site and the control crew is fully prepared to ignite the charge.

(i) All 1.1 explosives shall be attended as defined in this chapter at all times when the explosive is out of the Type 1 or 2 storage magazine.

(j) Disbursement of explosive charges from the Type 1 or 2 storage magazine into avalanche control packs shall be done outside the storage magazine. Records shall be maintained for all explosives disbursed.

(k) Caps, cap and fuse assemblies, armed hand charges, or fuse igniters shall not be carried into or stored in a Type 1 or 2 magazine which contains 1.1 explosives.

(2) Method II. Hand charge makeup room. This method is different from method I primarily in that the fuse and cap assembly is installed in the explosive charge while inside a special makeup room. The assembly procedure shall be as follows:

(a) Install caps on correct length fuses with an approved crimper tool before explosives are brought into the makeup room.

(b) The cap and fuse assemblies shall not be combined with explosives to form hand charges until just before the intended time of distribution.

(c) Only nonsparking skewers shall be used to punch holes in an explosives cartridge.

(d) The fuse shall be laced or taped in position after inserting the cap in the charge.

(e) Each hand charge shall be placed in an explosives box or avalanche control pack immediately after assembly is completed.

(f) No spark-producing metal tools shall be used to open explosives containers.

(g) Fuse igniters shall never be attached to a fuse or a hand charge until the hand charge is at the blast site and the control crew is fully prepared to ignite the charge.

(3) Makeup room requirements, procedures.

(a) Construction requirements.

(i) Makeup rooms located in accordance with the American Standard Quantity and Distance Tables for storage shall not require construction of reinforced concrete walls, floors, and doors. All other requirements of this chapter shall be applicable for such facilities.

(ii) Floors and walls. The floor and walls shall be constructed of reinforced concrete not less than eight inches thick. The rebar shall be not less than one-half inch diameter and shall be spaced on twelve-inch vertical and horizontal centers. The rebar shall be bent at a ninety degree angle and extend a minimum of twenty-four inches into the adjoining floor or wall to secure each floor and wall joint.

(iii) Roof. The roof is not limited to specific materials but shall provide both weather protection and standard snow loading protection for the region.

(iv) Access door(s).

(A) If a hinged door mounting is utilized, the hinge shall be mounted on the inside so that the door opens into the makeup room. In the fully closed position, in position to be locked, the door shall be a minimum of two inches larger than the access opening on all sides.

(B) If a flush door mounting is utilized, the door shall be mounted with a two-inch decreasing taper on all sides of both the door and the concrete access opening to form a wedge seal.

(C) If a sliding door mounting is utilized, the mounting apparatus shall be on the inside of the makeup room and the door shall be a minimum of two inches larger than the access opening when the door is fully closed.

(D) Makeup room door may be either:

(I) Constructed to the same structural integrity and mounting requirements of (A) through (C) of this subsection; or

(II) Constructed of plywood not less than two inches thick and overlaid on the outside with a steel plate not less than one-eighth inch thick.

(III) If a door which complies with (II) of this subsection is used, a berm or barricade shall be installed within six feet of the door. The berm or barricade shall extend at least as high as the top of the door and shall be a minimum of two feet wider than the door on both sides of the door.

(E) For security purposes, one steel padlock having at least five tumblers and a case hardened shackle of at least three-eighths inch diameter is sufficient for locking purposes. Hinges and hasps shall be attached so that they cannot be removed from the outside when in the closed position and with the lock in place.

(v) Interior finish. The inside of all makeup rooms shall be finished and equipped to the following minimum requirements:

(A) Construction shall be fire resistant and nonsparking up to the top of the walls. Nails or screws shall be counter-sunk, blind nailed, or covered.

(B) Lighting shall be by N.E.C. explosion-proof rated fixtures and all wiring shall be in sealed conduit.

(C) Control switches shall be outside the makeup room.

(D) No electrical outlet boxes are permissible inside the room.

(b) Restrictions.

(i) Smoking, matches, open flames, or flame- or spark-producing devices shall not be permitted inside the makeup room.

(ii) Flammable liquids or flammable compressed gases shall not be stored in the makeup room.

(iii) Signs limiting entry to authorized personnel shall be posted on the door(s).

(iv) A sign stating the occupancy rules shall be posted inside the makeup room where it is clearly legible upon entering the room. The sign shall post the following rules:

(A) Occupancy shall be restricted to specifically authorized personnel;

(B) Smoking, matches, flame- or spark-producing devices, tools or equipment shall not be permitted in the room at any time when explosives or explosive components are present; and

(C) Flammable fuels or compressed gases shall not be permitted inside the room nor stored within fifty feet of the room.

(v) Heating units shall be limited to:

(A) Forced air systems with the heating unit located outside the room.

(B) Steam systems of 15 psig or less.

(C) Hot water systems of 130°F or less.

(D) The radiant heating coils and piping for steam or hot water systems shall be protected so that explosives cannot come into contact with them.

(E) Heating ducts shall be installed so that the hot air does not discharge directly on explosives.

(F) The heating system used in a makeup room shall have controls which prevent the ambient room temperature from exceeding 130°F.

(vi) The makeup room shall be equipped with a portable fire extinguisher of at least 2A-20BC rating.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

(vii) Ventilation.

(A) The makeup room shall be equipped with a ventilation system capable of maintaining a minimum rate of three air exchanges per hour during all times when explosives are present in the room.

(B) Fans and controls shall be located outside the makeup room and shall be of a type approved for this service.

(C) The lighting circuit control shall also activate the ventilation fan and the ventilation fan shall be operated whenever personnel are in the room.

(D) Exhaust ventilation shall be arranged to discharge into outside air, not into an enclosed structure.

(viii) The floor or exterior walls may be constructed with duct openings for heating and ventilation purposes provided that:

(A) Each duct opening is not greater in volume than seventy-two square inches;

(B) The combined number of duct openings shall not exceed three;

(C) Duct openings shall be located within twelve inches of the floor or ceiling;

(D) The exhaust duct opening shall not be located on the wall above the makeup workbench.

(c) Practices and procedures.

(i) When explosives are present in the makeup room, entry into the makeup room shall be restricted to trained and authorized personnel.

(ii) The access door(s) to the makeup room shall be kept locked or bolted from the inside while employees are assembling explosives.

(iii) The entire makeup room shall be kept clean, orderly, and free of burnable rubbish.

(iv) Brooms and other cleaning utensils shall not have any spark-producing metal parts if used when explosives are present.

(v) Sweepings and empty explosives containers shall be disposed of as recommended by the explosives supplier.

(vi) Repair activities which utilize spark-producing tools shall not be conducted on any part of the makeup room while explosives are present.

(d) Storage of explosives.

(i) A makeup room shall not be used for the unattended storage of 1.1 explosives.

(ii) A makeup room which meets all requirements of this chapter may contain a Type 3 storage facility, for one thousand or less blasting caps.

(iii) A Type 3 storage facility shall be constructed according to the requirements in WAC 296-52-70030 through 296-52-70040.

(A) A Type 3 storage facility shall be fire resistant and theft resistant. It does not need to be bullet resistant and weather resistant if the locked makeup room provides protection from weather and bullet penetration.

(B) Sides, bottoms, and covers shall be constructed of not less than number twelve gauge metal and lined with a nonsparking material.

(C) Hinges and hasps shall be attached so that they cannot be removed from the outside.

(D) One steel padlock having at least five tumblers and a case-hardened shackle of at least three-eighths inch diameter is sufficient for locking purposes. The lock and hasp is not required to be equipped with a steel hood.

(e) Location.

(i) The makeup room shall be located in accordance with the American Quantity and Distance Separation Tables as adopted in chapter 70.74 RCW, Washington State Explosives Act and this chapter except under conditions as indicated in this section.

(ii) Where locating the makeup room in accordance with the quantity and distance separation table is impractical

because of bad weather accessibility, rough terrain, or space availability:

(A) Upon application the department will issue a variance enabling location of the makeup room, by mutual agreement, at the safest possible location within the limitation of the individual base area.

(B) The safest possible location will be the location most isolated from assembly areas and buildings that are inhabited with application of additional protection measures such as:

(I) Berming.

(II) Locating natural obstructions or buildings that are not inhabited between the makeup room and assembly areas and buildings that are inhabited.

(III) Limitations on the total quantity of explosives in the makeup room at any one time.

(ii) Makeup rooms designed to hold the boxes of explosives awaiting makeup and the makeup explosives in avalanche control packs awaiting distribution may be located using the total quantity of explosives allowed at the makeup table at any one time as the referenced quantity of explosives provided.

(A) The makeup room is located in accordance with the American Quantity and Distance Separation Tables as adopted in chapter 70.74 RCW, Washington State Explosives Act and this chapter for the referenced quantity of explosives at the makeup table.

(I) This separation shall apply only to human proximity to the makeup room and only at such time as there are explosives in the makeup room.

(II) When the makeup room does not contain explosives the separation tables shall not apply.

(B) The concrete walls of the room are designed to withstand the explosion of the total amount of the referenced explosives.

(I) The concrete walls must be constructed in accordance with specifications designed and certified by a licensed engineer; or

(II) The concrete walls must be constructed to the specifications of Department of the Army TM5-1300 "Structures to Resist the Effects of Accidental Explosions" designed to produce walls which will withstand explosion of the referenced quantity explosives.

(C) The boxes of explosives awaiting makeup and the makeup explosives in avalanche control packs awaiting distribution are located behind separate concrete debris barrier walls which will ensure that detonation of these explosives will not occur if the explosives at the makeup table detonate.

(I) The concrete debris barrier wall must be constructed in accordance with specifications designed and certified by a licensed engineer; or

(II) The concrete debris barrier wall must be constructed to the specifications of Department of the Army TM5-1300 "Structures to Resist the Effects of Accidental Explosions" to produce a barrier which will not allow detonation of the explosives awaiting makeup and distribution should the referenced quantity of explosives detonate.

(III) Access from the makeup table to the area behind the concrete debris barrier walls shall not be doored. The concrete debris barrier walls will be designed so that the access way from the makeup table to the area behind the concrete

debris barrier wall will deflect debris from an explosive blast by inherent design.

(D) The roof shall be designed so that the resistance to an interior explosive blast will be negligible.

(iv) A full containment makeup room may be located anywhere and must meet the following requirements:

(A) The makeup room must be constructed in accordance with a licensed explosive engineer's approved design.

(B) The total amount of explosives in the room at any time must not exceed the design limit of the room.

(C) The makeup room cannot be used for storage.

NEW SECTION

WAC 296-52-807 Avalanche control blasting. (1) The employer shall ensure that all members of avalanche control blasting crews are competent ski mountaineers in good physical and mental condition.

(2) Each avalanche control blasting crew or team shall consist of a qualified and licensed blaster and at least one trained assistant.

(3) Untrained personnel may accompany blasting crews for training purposes but shall not participate in actual firing of charges until trained and authorized.

(4) The blaster in charge of each crew or team shall be responsible for all phases of preparation and placement of charges.

(5) Avalanche control blasting should be conducted during daylight hours whenever possible.

(6) Escape route.

(a) The avalanche control crew or team shall preplan the escape route before igniting any charge.

(b) The escape route shall be as safe and foolproof as possible and shall culminate behind a terrain barrier or at least one hundred feet from the blast site by the time of detonation.

(7) Hand-thrown charges.

(a) A blaster shall only work with one charge at a time.

(b) Before attaching the igniter, the blaster must:

(i) Be at the start of the escape route;

(ii) Check the runout zone for personnel;

(iii) Check the blast area for personnel.

(c) After the blaster attaches and activates the igniter:

(i) The blaster shall check to see that the fuse is ignited;

(ii) If the fuse did not ignite, no attempt shall be made to relight it. The blaster shall immediately remove the fuse cap from the charge to sidearm it. The fuse cap shall be treated as a misfire and be put in an appropriately safe place separate from all other explosive components. It shall not be approached for at least thirty minutes, after which time it shall be properly disposed of;

(iii) The practice of double fusing hand charges shall be allowed. An attempt shall be made to light both fuses. If only one of the two fuses lights, the charge shall be deployed as normal;

(iv) As soon as the fuse is ignited, the blaster shall promptly throw the charge into the target area;

(v) All personnel shall be in a safe place when the charge detonates.

(d) Where hand-thrown charges will slide down the hill on hard frozen snow or ice surface, charges shall be belayed with light cord.

(8) Hand charges thrown from ski lifts or trams.

(a) The number of charges thrown from ski lifts or trams shall be kept to a minimum.

(b) The lift operating crew shall be informed of the blasting plans.

(c) The lift crew shall stand by for emergency procedures such as transfer of lift onto auxiliary power, evacuation, etc.

(d) The lift crew and the blaster in charge shall be in direct radio contact at all times during the blasting operations.

(e) Only the avalanche control blasting crew and the essential lift operating personnel shall be on a lift or tram during blasting operations.

(f) The avalanche control blasting crew shall be traveling up slope when a charge is thrown.

(g) A charge shall always be thrown down slope and to the side, away from towers, haulropes and other equipment or facilities.

(h) The minimum distance from the blast target to the closest point of the lift shall be sixty feet.

(i) Hand charges shall not exceed 4.5 pounds of TNT equivalent.

(j) Fuses shall be timed and cut to such length that all personnel on the lift will have moved a minimum of three hundred feet from the blast target by the time of detonation.

(k) Precautions shall be taken to avoid tossing charges into any of the lift equipment, moving chairs, cables, towers, etc.

(9) Aerial avalanche control blasting.

(a) Blasting from aircraft shall require a written program approved by the Federal Aviation Administration and the director, or designee of the department of labor and industries.

(b) A written program shall include the following:

(i) Written procedures to be followed including provisions for safety in the avalanche runout zone and emergency rescue plans.

(ii) Hand charge makeup and handling procedures.

(iii) The type of explosives to be used.

(iv) The qualifications of all avalanche control personnel involved in aerial blasting must meet the requirements of WAC 296-52-64030.

(v) The specific locations where aircraft blasting is to take place.

(c) An aerial avalanche control team shall be established consisting of (at minimum) a pilot, a blaster in charge and an observer/controller.

(d) Blasting from an aircraft shall require the blaster in charge to be a licensed avalanche blaster with an endorsement for aerial blasting. The blaster in charge will be on board during each aerial blasting mission.

Note: Blasting from aircraft should only be used when it is determined that conventional methods are not the safest means to mitigate the existing avalanche hazard.

(10) Avalauncher requirements.

(a) Management shall develop a written training program and ensure that every person who will be authorized to

work on an avalauncher firing team is thoroughly trained. Training shall include:

- (i) All operating instructions;
 - (ii) Safety precautions;
 - (iii) Emergency procedures;
 - (iv) Securing requirements for the equipment.
- (b) Each employer shall have a list of authorized operators listed on a posted operator's list.
- (c) Only trained and authorized personnel shall be permitted to point and fire an avalauncher with explosive rounds.
- (d) During firing of explosive loaded rounds, the firing team shall consist of two qualified operators and not more than one adequately trained helper.
- (e) Operators must have a current state blasting license.
- (f) Each operator shall individually check the elevation, pointing and pressure settings of the gun before each shot is fired.
- (g) Operators shall attempt to determine and record whether or not each round which is fired actually explodes on contact.
- (h) The approximate location of all known misfired explosives (or duds) shall be recorded.
- (i) Initial shooting coordinates for each avalauncher mount shall be made during periods of good visibility.
- (j) Testing shall include test firing in various wind conditions.
- (k) The correct coordinates for the various conditions encountered shall be carefully recorded.
- (l) When spotter personnel are used in the target area, shooting shall be conducted with nonexplosive projectiles.
- (m) Firing of explosive avalauncher rounds shall only be conducted when personnel are not in the target area.
- (n) The avalauncher apparatus shall be stored in a non-functional condition when not in use. This shall be accomplished by:
- (i) Locking out the firing mechanism or gas source in accordance with the lockout requirements of this chapter; or
 - (ii) Disassembly of functional components rendering the gun inoperable and separate storage of components removed; or
 - (iii) Removal of the entire gun to secure storage.
- (o) With established avalauncher mounts, each autumn when reinstalling guns, the following procedures shall be accomplished before the gun is considered operable:
- (i) All components shall be carefully inspected by qualified personnel;
 - (ii) After assembly and installation, the gun shall first be test fired using a nonexplosive projectile;
 - (iii) The established firing coordinates shall be checked by test firing.
- (11) Cornice control requirements.
- (a) Cornice buildup hazards shall be evaluated regularly by qualified personnel, particularly after heavy snowfall periods which are accompanied by high wind or other snow transport weather conditions.
- (b) Cornice hazards shall be controlled whenever the buildup appears to offer potential hazard to areas accessible by personnel.

(c) The control team shall establish the tension breakline of the cornice roof as accurately as conditions permit before starting any other control work on the cornice.

(d) The tension breakline shall be marked when necessary.

(e) Small lightly packed cornices may be kicked off with a ski, ski pole, or shovel by an unbelayed control team member if the ridgeline can be clearly established and all work can be done from the safe side of the ridgeline.

(f) When working along an anticipated cornice breakline, control team members shall retreat back from the breakline to change work positions rather than traverse along the breakline.

(g) The following factors shall be given careful consideration before commencing control activities on any relatively larger cornice:

(i) The older and larger a cornice becomes, the more densely it compacts. Densely packed cornices release into larger blocks offering a higher level of danger to an extended runout zone. The control team leader shall therefore take highest level of precautions to assure that the runout zone is clear of personnel;

(ii) Larger size cornices result in increased suspended weight and leverage which may cause the breakline release fracture to occur behind the actual ridgeline. The actual ridgeline may also be obscured by the simple mass of larger cornices. Control team members shall stay off the cornice roof and must be protected by a secure belay when working near the suspected breakline;

(iii) All large cornices shall be released by explosives. Explosives shall be transported, made up and fired in accordance with the following requirements:

(A) The ignition system for single hand charge blasts shall be safety fuse and cap or a system approved by the department.

(B) Detonating cord or shock tube shall be used to connect multiple charge blasts.

(C) When detonating cord is used, one end shall be securely anchored where premature cornice collapse will not disturb the anchor. The fuse and cap shall be attached to the free end of the detonating cord after all charges are connected to the detonating cord.

(D) Safety fuse length shall be sufficient to permit adequate escapement time for all personnel from the area influenced by the blast. Safety fuse shall be not less than three feet long, approximately two minutes and twenty seconds, in all instances.

(h) Cornice control work on large cornices shall be conducted during daylight hours and preferably during favorable weather conditions. As a minimum, clear visibility shall exist across the full length of any cornice which the control team is attempting to release.

(12) Belaying practices.

(a) Belay rope shall be standard 11 mm mountaineering rope or the equivalent.

(i) Belay rope shall be inspected at not less than thirty-day intervals and maintained in excellent condition.

(ii) Defective belay rope shall not be used for belaying purposes.

(b) Adequate trees or other suitable natural belay anchors shall be used in preference to a human belay anchor when such natural anchors are available.

(c) The belay anchor position shall be as near to ninety degrees from the tension breakline as the terrain conditions will permit.

(d) With either a natural belay anchor or human belay anchor, the belay line shall be tended to keep slack out of the line.

(e) When either the belayed person or belay anchor needs to change position, the belayed person shall retreat back from the cornice to a safe position until the belay anchor is reestablished.

(f) When a human belay anchor is used:

(i) The belay anchor person shall establish the anchor position as far back away from the cornice as conditions permit;

(ii) The anchor person shall remain in a seated position with their legs pointed toward the belayed person until such time as the belayed person has retreated back from the cornice to a position considered to be safe.

NEW SECTION

WAC 296-52-809 Retrieving misfired explosives (duds). (1) The following requirements shall apply to all kinds of avalanche control blasting:

(a) Each person who ignites a charge or propels a charged projectile with any kind of apparatus shall note whether or not the charge actually detonates.

(b) A conscientious effort shall be made to promptly retrieve any misfired explosives.

(i) If conditions make it impractical or dangerous to promptly retrieve a misfired explosive, a search shall be conducted as soon as conditions permit.

(ii) Any area which contains a misfired explosive shall be closed to entry to all personnel except the search team until such time as the area has been searched and pronounced safe by the designated search leader.

(c) When searching for a misfired explosive on an uncontrolled avalanche slope (a slope which has not released), the procedures used shall be consistent with good mountaineering practices.

(d) A hand charge misfire shall not be approached for at least thirty minutes.

(e) A hand charge or avalauncher misfired explosive may be blown up with a secondary charge where they are found or may be disarmed at that location by fully trained and qualified personnel.

(f) Military warhead misfired explosives shall not be moved. They shall be blown up where they are found by secondary charges except that trained military personnel may disarm and transport such misfired explosives when approved by the governmental branch having jurisdiction.

(2) Records.

(a) Accurate records shall be maintained for every explosive device which does not detonate.

(b) Misfired explosives records shall include the following information:

(i) The suspected location;

(ii) A description of the misfired explosive;

(iii) The date the misfired explosive was lost;

(iv) The date the misfired explosive was found and disposed of.

(3) Misfired explosive frequency.

(a) Misfired explosive frequency should be maintained below one misfired explosive for every five hundred detonating attempts.

(b) All employers who do not maintain a misfired explosive frequency below one misfired explosive per five hundred detonation attempts shall investigate all aspects of the blasting program and take prompt corrective actions as indicated.

(4) Misfired explosives warning signs.

(a) Requirements for warning signs. Ski area operations which use any form of explosive device for avalanche control shall display warning, information placards and/or signs as found in this chapter, Part H.

(b) Signs shall be posted at readily visible locations and in such a manner as to give both employees and the public ample opportunity to be informed of the potential existence of misfired explosive avalanche charges. Locations may include but are not limited to:

(i) Ticket sales and lift loading areas;

(ii) Food and beverage service facilities;

(iii) Restrooms and locker rooms;

(iv) Safety bulletin boards;

(v) Along general access routes.

(c) Signs shall be distinctive in appearance from the surrounding background where they are posted.

(d) Signs shall be maintained in legible condition.

(e) Signs shall include the following information:

(i) The word "WARNING" or "DANGER" at the top of the sign in the largest lettering on the sign;

(ii) The words "EXPLOSIVES ON THE MOUNTAIN";

(iii) A colored pictorial illustration which also provides information on dimensions of each type of explosive device used in the area;

(iv) The sign wording shall conclude with specific instructions to be followed by anyone who locates an unexploded explosive device.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-52-66055

Transfer or lease of a magazine or mobile storage site.

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-59-005 Incorporation of other standards.

(1) Lifts and tows shall be designed, installed, operated, and maintained in accordance with American National Standard Institute (ANSI) B77.1-1982, Standards for Passenger Tramways—Aerial Tramways and Lifts, Surface Lifts, and Tows—Safety Requirements.

(2) Future revised editions of ANSI B77.1-1982 may be used for new installations or major modifications of existing

installations, as recommended or approved by the equipment manufacturer or a qualified design engineer, except that, where specific provisions exist, variances shall be requested from the department.

~~(3) ((Commercial explosives shall be transported, stored, and used in compliance with chapter 296-52 WAC, Safety standards for the possession and handling of explosives, and chapter 70.74 RCW, Washington State Explosives Act, except that avalanche control blasting shall comply with the special provisions of this chapter.)) Reserved.~~

(4) The use of military type weapons for avalanche control shall comply with all requirements of the United States government and/or the military branch having jurisdiction. Compliance shall include qualification of employees, security requirements, and storage and handling of ammunition.

(5) The employer shall develop and maintain a chemical hazard communication program as required by WAC 296-800-170, which will provide information to all employees relative to hazardous chemicals or substances to which they are exposed, or may become exposed, in the course of their employment.

(6) When employees perform activities such as construction work or logging, the WAC chapter governing the specific activity shall apply, e.g., chapter 296-155 or 296-54 WAC, et seq.

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

WAC 296-59-007 Definitions. ~~((1))~~ "Act" means the Washington Industrial Safety and Health Act of 1973, RCW 49.17.010 et seq.

~~((2))~~ "Aerial work platform" means any form of work platform, work chair, or workbasket designed to lift or carry workmen to an elevated work position.

~~((3))~~ "ANSI" means the American National Standards Institute.

~~((4))~~ "Approved" means approved by the director of the department of labor and industries except where this code requires approval by another specific body or jurisdiction authority.

~~((5))~~ "ASME" means the American Society of Mechanical Engineers.

~~((6) "Attended," as attending explosives, means the physical presence of an authorized person within the field of vision of explosives. The said attendant shall be awake, alert, and not engaged in activities which may divert their attention so that in case of an emergency the attendant can get to the explosives quickly and without interference, except for brief periods of necessary absence, during which absence simple theft of explosives is not ordinarily possible.~~

(7)) "Authorized person" means a person approved or assigned by the employer to perform specific duties or to be at specific restricted locations.

((8)) "Avalanche" means the sliding or falling of a large amount of snow down a steep slope which has a destructive force due to its mass.

~~((9) "Avalanche control pack" means a specially designed and constructed pack for carrying explosives.~~

~~(10) "Avalanche control route" means a route or specific path which is used by authorized persons in order to control the occurrence of avalanches.~~

~~(11) "Avalancher" means a device like a cannon which is used for avalanche control blasting. It has a rotating base calibrated for pointing and the barrel is mounted on an elevating mechanism. It uses a compressed gas to propel a projectile containing an explosive charge and detonating means. The gas source is connected to the gun by high pressure hose with in-line control valves and pressure gauges ahead of the trigger mechanism.~~

~~(12)) "Belay" means to provide an anchor for a safety line when a person is working in a position exposed to falling or sliding, the mountaineering term.~~

~~((13) "Blaster's license" means an individual license issued by the department under the provisions of chapter 296-52 WAC.~~

~~(14) "Blasting cap" or "cap" when used in connection with the subject of explosives shall mean detonator.~~

~~(15) "Buildings that are not inhabited" means a building(s) which has no one in it while explosives are being made up in an adjacent explosives makeup room or while explosives are being held in an adjacent day box or hand charge storage facility.~~

~~(16)) "Designated" means appointed or authorized by the highest management authority available at the site.~~

~~((17)) "Department" means the department of labor and industries, division of industrial safety and health, unless the context clearly indicates otherwise.~~

~~((18)) "Director" means the director of the department of labor and industries or his/her designated representative.~~

~~((19) "Dud" or "misfire" means an explosive charge with a detonating means which does not explode when detonation is attempted.~~

~~(20) "Fuse igniter" means a special pyrotechnic device intended to be used to ignite safety fuses.~~

~~(21) "Handcharge" means an explosive charge with a cap and fuse assembly inserted in place.~~

~~(22)) "Hazard" means that condition, potential or inherent, which might cause injury, death, or occupational disease.~~

~~((23)) "Lift certificate to operate" means an operating certificate issued by the Washington state parks and recreation commission pursuant to chapter 70.88 RCW subsequent to annual inspections as required by chapter 352-44 WAC.~~

~~((24)) "N.E.C." means the National Electric Code, as published by either the National Fire Protection Association or ANSI.~~

~~((25)) "Occupied building" means a building regularly occupied in whole or in part as a habitation for human beings, or any church, schoolhouse, railroad station, store, or other building where people are accustomed to assemble.~~

~~((26)) "Qualified" means one who, by possession of a recognized degree, certificate, license, or professional standing, has successfully demonstrated the personal ability to solve or resolve problems relating to the subject matter, the work, or the project.~~

~~((27)) "RCW" means the Revised Code of Washington, legislative law.~~

~~((28)) "ROPS" means rollover protective structure.~~

~~((29))~~) "S.A.E." means the society of automotive engineers.

~~((30))~~) "Safety factor" means the ratio of ultimate breaking strength of any member or piece of material or equipment to the actual working stress or safe load when in use.

~~((31))~~) "Shall" indicates a mandatory requirement.

~~((32))~~) "Should" indicates a recommended practice.

~~((33))~~) "WAC" means the Washington Administrative Code.

~~((34))~~) "WISHA" means Washington industrial safety and health administration.

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

WAC 296-59-015 General requirements. (1) The use of any machinery, tool, material, or equipment which is not in compliance with any applicable requirement of this chapter is prohibited. Such machine, tool, material, or equipment shall either be identified as unsafe by tagging or locking the controls to render them inoperable or shall be physically removed from its place of operation.

(2) The employer shall permit only those employees qualified by training or experience to operate equipment and machinery.

(3) Employees shall use safeguards provided for their protection.

(4) Loose or ragged clothing, scarfs, or ties shall not be worn while working around moving machinery.

(5) Workers should not be assigned or permitted to occupy work locations directly under other workers. When such practice is unavoidable, all parties shall be made aware of the potential hazard and adequate protective measures shall be taken. When adequate protective measures are not available, one party shall be moved to eliminate the potential exposure.

(6) Employees shall report to their employers the existence of any unsafe equipment or method, or any other hazard which, to their knowledge, is unsafe. Where such unsafe equipment or method or other hazard exists in violation of this chapter it shall be corrected.

(7) Housekeeping.

(a) All places of employment shall be kept clean to the extent that the nature of the work allows.

(b) The floor of every workroom shall be maintained so far as practicable in a dry condition. Where wet processes are used, drainage shall be maintained. Where necessary or appropriate, waterproof footwear shall be worn.

(c) To facilitate cleaning, every floor, working place, and passageway shall be kept free from protruding nails, splinters, loose boards, unnecessary holes and openings or other tripping hazards.

(d) Cleaning and sweeping shall be done in such a manner as to minimize the contamination of the air with dust and so far as is practical, shall be done outside of working hours.

(8) Requirements for warning signs. Ski area operations which use any form of explosive device for avalanche control shall display warning, information placards and/or signs as found in chapter 296-52 WAC, Part G.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-59-100	Avalanche control.
WAC 296-59-102	Acceptable warning signs for typical avalanche control explosive device(s) duds.
WAC 296-59-103	Storage, makeup, and use of explosives for avalanche control blasting.
WAC 296-59-105	Handcharge makeup methods.
WAC 296-59-107	Avalanche control blasting.
WAC 296-59-109	Retrieving misfires or duds.

WSR 06-19-075 PERMANENT RULES DEPARTMENT OF LABOR AND INDUSTRIES

[Filed September 19, 2006, 9:33 a.m., effective January 1, 2007]

Effective Date of Rule: January 1, 2007.

Purpose: Portions of chapter 296-24 WAC, Part J-3, Powered platforms, have been written for clarity and usability, while making housekeeping revisions. Rewritten rules will be published as a separate book titled powered platforms, chapter 296-870 WAC.

NEW SECTIONS:

WAC 296-870-100 Scope, 296-870-200 Section contents, 296-870-20005 Building owner certifications, 296-870-20010 Personnel requirements, 296-870-20015 Platform and hoist load limits, 296-870-20020 Obstructions and slipping hazards, 296-870-20025 Wind and adverse weather, 296-870-20030 Corrosive substances, 296-870-20035 Heat-producing processes, 296-870-20040 Fall protection, 296-870-20045 Communications, 296-870-300 Section contents, 296-870-30005 Maintenance, 296-870-30010 Initial installation and after major modification inspection and testing, 296-870-30015 Before use inspections and tests, 296-870-30020 Periodic inspections and tests, 296-870-30025 Reshacking and resocketing wire ropes, 296-870-30030 Disabling safety or electrical protective devices, 296-870-400 Section contents, 296-870-40005 General training, 296-870-40010 Emergency action plan, 296-870-40015 Certification, 296-870-500 Section contents, 296-870-50005 Design, construction, and installation, 296-870-50010 Fall protection, 296-870-50015 Electrical, 296-870-600 Section contents, 296-870-60005 Design, 296-870-60010 Stabilization systems, 296-870-60015 Intermittent stabilization system, 296-870-60020 Button guide stabilization system, 296-870-60025 Stabilization system using angulated roping and building face rollers, 296-870-60030 Cable stabilization, 296-870-60035 Electrical, 296-870-60040 Guarding roofs and other elevated areas, 296-870-60045 Moving equipment, 296-870-60050

Repair and maintenance, 296-870-60055 Communications, 296-870-700 Section contents, 296-870-70005 Design and construction, 296-870-70010 Carriages, 296-870-70015 Carriage strength and stability, 296-870-70020 Carriage traversing, 296-870-70025 Transportable outriggers, 296-870-70030 Davits, 296-870-70035 Hoisting machines, 296-870-70040 Suspended equipment strength and stability, 296-870-70045 Suspended equipment guardrail system, 296-870-70050 Suspended working platforms and manned platforms used on supported equipment, 296-870-70055 Working platform fall protection, 296-870-70060 Two- and four-point suspended working platforms, 296-870-70065 Ground-rigged working platforms, 296-870-70070 Intermittently stabilized working platforms, 296-870-70075 Button guide stabilized working platforms, 296-870-70080 Supported equipment, 296-870-70085 Suspension wire ropes and rope connections, 296-870-70090 Control circuits, power circuits and electrical protective devices, and 296-870-800 Definitions.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 47.17.060.

Adopted under notice filed as WSR 06-13-085 on June 20, 2006.

Changes Other than Editing from Proposed to Adopted Version: None. Only housekeeping revisions were made to rule language between the proposal and adoption.

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 58, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 58, 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.

Date Adopted: September 19, 2006.

Gary Weeks
Director

Chapter 296-870 WAC

POWERED PLATFORMS

NEW SECTION

WAC 296-870-100 Scope. This chapter covers permanent powered platform installations dedicated to interior or exterior building maintenance of a specific structure or group of structures.

Building maintenance includes, but is not limited to, tasks such as window cleaning, caulking, metal polishing, and reglazing.

Exemption: This chapter does not apply to suspended scaffolds covered by a separate chapter, Scaffolds, chapter 296-874 WAC.

Definition:

A powered platform **installation** consists of all the equipment and the parts of the building involved with using the powered platform for building maintenance.

NEW SECTION

WAC 296-870-200 Section contents.

Your responsibility:

To meet these requirements when using powered platforms.

WAC 296-870-20005

Building owner certifications.

WAC 296-870-20010

Personnel requirements.

WAC 296-870-20015

Platform and hoist load limits.

WAC 296-870-20020

Obstructions and slipping hazards.

WAC 296-870-20025

Wind and adverse weather.

WAC 296-870-20030

Corrosive substances.

WAC 296-870-20035

Heat-producing processes.

WAC 296-870-20040

Fall protection.

WAC 296-870-20045

Communications.

NEW SECTION

WAC 296-870-20005 Building owner certifications.

You must:

- Obtain written certification from the building owner of any building with a powered platform installation that was completed or had major modification done after July 23, 1990, that the building and equipment meets the requirements of new installations-buildings, WAC 296-870-600 and new installations-equipment, WAC 296-870-700 of this chapter.

Note: The building owner needs to base the certification on:

- The field test of the installation done before it is first placed into service or following any major modification to an existing installation;

AND

- All other relevant available information, including but not limited to:

- Test data

- Equipment specifications

- Verification by a registered professional engineer.

You must:

- Obtain written certification from the building owner that the installation:

- Has been inspected, tested, and maintained as required by inspection, testing, and maintenance, WAC 296-870-300 of this chapter;

AND

– All fall protection anchorages meet the requirements of Appendix C—Personal fall arrest system, WAC 296-24-88050, found in the General safety and health standards, chapter 296-24 WAC.

NEW SECTION

WAC 296-870-20010 Personnel requirements.

You must:

- Prohibit employees from using the installation until the building owner has provided the required written certifications.
- Make sure working platforms are operated only by persons proficient in the operation, safe use and inspection of the particular working platform.

References:

- Building owner certification requirements are found in Building owner certifications, WAC 296-870-20005.
- Training requirements for persons using platforms are found in Existing installations, WAC 296-870-400.

NEW SECTION

WAC 296-870-20015 Platform and hoist load limits.

You must:

- Make sure the load on the working platform does not exceed the rated load stated on the platform load rating plate.
- Make sure hoists are not subjected to a load greater than one hundred twenty-five percent of their rated load.

NEW SECTION

WAC 296-870-20020 Obstructions and slipping hazards.

You must:

- Prohibit the accumulation of tools, materials and debris on the platform that are not related to the work in progress.
- Make sure stabilizer ties are:
 - Located to allow movement along the full length of the platform without interference;

AND

- Long enough not to become entangled in rollers, hoists, or other machinery.
- Prohibit employees from working on platforms covered with snow, ice, or other slippery material.

Exemption: Employees may be on platforms as necessary to remove the slipping hazard.

NEW SECTION

WAC 296-870-20025 Wind and adverse weather.

You must:

- Prohibit using powered platforms in:
 - Winds exceeding twenty-five miles per hour (40.2 km/hr);

OR

- Any other severe adverse weather conditions.

Exemption: Employees may use the platform during severe adverse weather conditions only to move it from an operating to a storage position.

You must:

- Have an anemometer mounted on the platform of an exterior installation to provide on-site wind velocities before and during use of the platform.

Note:

- Determine wind speed using the best available information, including on-site anemometer readings and local weather forecasts.
- The anemometer may be a portable or hand held unit which is temporarily mounted during platform use.

NEW SECTION

WAC 296-870-20030 Corrosive substances.

You must:

- Protect the platform, wire ropes, and lifelines from damage due to acids or other corrosive substances by using the precautions recommended by any of the following:
 - Corrosive substance producer or supplier
 - Platform manufacturer
 - Other equivalent information source.
- Wash down platform members which have been exposed to acids or other corrosive substances with a neutralizing solution as recommended by the corrosive substance producer or supplier.

NEW SECTION

WAC 296-870-20035 Heat-producing processes.

You must:

- Protect the platform members, wire ropes, and lifelines when using a heat-producing process.
- Make sure wire ropes and lifelines which have been contacted by a heat-producing process are considered to be permanently damaged and not used.

NEW SECTION

WAC 296-870-20040 Fall protection.

You must:

- Protect employees on working platforms with a personal fall arrest system that meets the requirements of Appendix C—Personal fall arrest system, WAC 296-24-88050, found in the General safety and health standards, chapter 296-24 WAC.

NEW SECTION

WAC 296-870-20045 Communications.

You must:

- Make sure the voice communication system between the equipment operators and persons stationed within the building is operable and manned whenever the platform is being used.

NEW SECTION

WAC 296-870-300 Section contents.

Your responsibility:

- To make sure powered platforms are inspected, tested, and maintained to keep them in safe operating condition.
- WAC 296-870-30005
Maintenance.

WAC 296-870-30010
Initial installation and after major modification inspection and testing.
WAC 296-870-30015
Before use inspections and tests.
WAC 296-870-30020
Periodic inspections and tests.
WAC 296-870-30025
Reshackling and resocketing wire ropes.
WAC 296-870-30030
Disabling safety or electrical protective devices.

NEW SECTION

WAC 296-870-30005 Maintenance.

You must:

- Make sure all parts of the equipment that affect safe operation are maintained in proper working order so they are able to perform their intended functions. This includes, but is not limited to, all of the following:
 - Roof systems including roof track systems, tie-downs, or similar equipment
 - Building face guiding members including T-rails, indented mullions, or equivalent guides located in the face of a building
 - Brackets for cable stabilizers.
 - Take out of service any equipment that is not in proper working order.
 - Make sure the following parts are kept clean:
 - Control or power contacts and relays;
- AND**
- All other parts whose proper function would be affected by dirt or other contaminants.

NEW SECTION

WAC 296-870-30010 Initial installation and after major modification inspection and testing.

You must:

- Make sure a completed powered platform installation has been inspected and tested by the building owner:
 - Before it was first placed into service;
- AND**
- Before it was returned to service after major modification was done.
 - Make sure the inspection and tests determined that:
 - All parts of the installation met the applicable requirements of this chapter;
- AND**
- All safety and operating equipment functioned as required.

NEW SECTION

WAC 296-870-30015 Before use inspections and tests.

You must:

- Complete the inspections and tests contained in Table 1, Before Use Inspections and Tests, before allowing persons to use the platform.

**Table 1
Before Use Inspections and Tests**

What:	When:	Inspection and test requirements:
Working platforms and their components	<ul style="list-style-type: none"> • Before every use and • After each occurrence which might affect the platform's structural integrity 	Inspect for visible defects
Suspension wire ropes	<ul style="list-style-type: none"> • Before every use and • After each occurrence which might affect the wire rope's integrity 	Visible inspection by a competent person for defects and gross damage
Governors and secondary brakes	Before use each day	Test before use. If testing is not feasible, visually inspect the brake to make sure it is free to operate
Hoists	Each day before lowering personnel below the top elevation of the building	Test in the lifting direction with the intended load to make sure it has sufficient capacity to raise personnel back to the boarding level

NEW SECTION

WAC 296-870-30020 Periodic inspections and tests.

You must:

- Make sure the building owner has completed and documented the periodic inspections and tests shown in Table 2.
- Make sure any documentation required by Table 2, Periodic Inspections and Tests, is readily available for your own review and that of the director or an authorized representative.
 - Make sure suspension wire rope is used and maintained as specified in the wire rope manufacturer's recommended procedures.
 - Remove from service a wire rope that has any of the following:
 - Broken wires exceeding three wires in one strand or six wires in one rope lay
 - Distortion of rope structure such as would result from crushing or kinking
 - Evidence of heat damage
 - Evidence of rope deterioration from corrosion

- A broken wire within eighteen inches (460.8 mm) of the end attachments
 - Noticeable rusting and pitting
 - Evidence of core failure. This could be indicated by a lengthening of rope lay, protrusion of the rope core and a reduction in rope diameter

- More than one valley break (broken wire)
- Outer wire wear exceeds one-third of the original outer wire diameter
- Any other condition which the competent person determines has significantly affected the integrity of the rope.

**Table 2
Periodic Inspections and Tests**

What to inspect:	When to inspect:	Inspection and test requirements:	Building owner documentation:
Related building supporting structures	Intervals not exceeding twelve months	Inspection by a competent person	Keep a certification record of each inspection and test that includes all of the following: <ul style="list-style-type: none"> - Date of the inspection - Signature of the person who performed the inspection - Number, or other identifier, of the building support structure and equipment which was inspected
All parts of the equipment including control systems	Intervals specified by the manufacturer or supplier, but not to exceed twelve months	Inspection and test, where necessary, by a competent person to determine: <ul style="list-style-type: none"> - They are in safe operating condition <p align="center">and</p> <ul style="list-style-type: none"> - Parts subject to wear, such as wire ropes, bearings, gears, and governors have not worn to such an extent as to affect the safe operation of the installation 	
Working platform	<ul style="list-style-type: none"> • Every thirty days <p align="center">or</p> <ul style="list-style-type: none"> • Before each work cycle if the work cycle is more than thirty days 	Maintenance inspection and test by a competent person following procedures recommended by the manufacturer	Keep a certification record of each inspection and test that includes all of the following: <ul style="list-style-type: none"> - Date of the inspection and test - Signature of the person who performed the inspection and test - An identifier for the platform installation which was inspected
Governors and secondary brakes	Intervals specified by the manufacturer or supplier, but not to exceed twelve months	Inspection and test by a competent person. Results need to confirm: <ul style="list-style-type: none"> - The initiating device for the secondary braking system operates at the proper overspeed <p align="center">and</p> <ul style="list-style-type: none"> - The secondary brake is functioning properly If any hoisting machine or initiating device for the secondary brake system is removed from the equipment for testing, reinspect all reinstalled	

What to inspect:	When to inspect:	Inspection and test requirements:	Building owner documentation:
		and directly related components before returning the equipment installation to service	
Suspension wire ropes	<ul style="list-style-type: none"> • Once a month for ropes in service and • Before they are returned to service for ropes that have been out of service for thirty days or more 	A thorough inspection by a competent person	Keep a certification record of each monthly inspection that includes all of the following: <ul style="list-style-type: none"> – Date of the inspection – Signature of the person who performed the inspection – Number, or other identifier, of the wire rope which was inspected

NEW SECTION

WAC 296-870-30025 Reshackling and resocketing wire ropes.

You must:

- Make sure the nondrum ends of hoisting wire ropes are reshackled or, if the rope uses poured socket fastenings, resocketed at intervals not exceeding twenty four months.
- Make sure enough rope is cut from the end of the rope during reshackling or resocketing to remove any damaged or fatigued portions.
- Make sure resocketed ropes meet the requirements of Suspension wire ropes and rope connections, WAC 296-870-70085.
- Make sure limit switches affected by resocketed ropes are reset if necessary.

NEW SECTION

WAC 296-870-30030 Disabling safety or electrical protective devices.

You must:

- Make sure no person renders any required safety devices or electrical protective devices inoperative unless necessary for tests, inspections, or maintenance.
- Restore any disabled devices to normal operating condition immediately after the test, inspection or maintenance is completed.

NEW SECTION

WAC 296-870-400 Section contents.

Your responsibility:

To train employees who operate or inspect powered platforms.

- WAC 296-870-40005
General training.
- WAC 296-870-40010
Emergency action plan.
- WAC 296-870-40015
Certification.

NEW SECTION

WAC 296-870-40005 General training.

You must:

- Make sure employees are trained by a competent person.
- Train employees who operate powered platforms in all of the following:
 - Recognizing safety hazards and the preventative measures to control or minimize hazards that are associated with:
 - Using powered platforms, including those that apply to the specific platform they will be operating;
 - AND**
 - Their individual work tasks.
 - Emergency action plan procedures
 - Work procedures for operating, safely using and inspecting powered platforms.
- Provide written work procedures for operating, safely using, and inspecting working platforms to be used in employee training.

Note: Visual presentations, such as graphics and pictures, may be used instead of written work procedures if it improves employee understanding. The powered platform system components manufacturers' operating manuals can serve as the basis for these work procedures.

NEW SECTION

WAC 296-870-40010 Emergency action plan.

You must:

- Make sure a written emergency action plan is developed and implemented for each kind of working platform operation that contains at least both of the following:
 - An explanation of the emergency procedures to be followed in the event of any of the following situations:
 - Power failure
 - Equipment failure
 - Other emergencies which may be encountered.
 - That employees are informed about the building emergency escape routes, procedures and alarm systems.
 - Review with each employee those parts of the plan they need to know to protect themselves in the event of an emergency:
 - Upon initial assignment;
- AND**

- Whenever the plan is changed.

NEW SECTION**WAC 296-870-40015 Certification.****You must:**

- Certify in writing that employees have been trained in operating and inspecting a working platform.
- Make sure training certifications are:
 - Prepared when the employee has completed training;
- AND**
- Contain all of the following:
 - Name of the person trained
 - Signature of the person who conducted the training
 - Date training was completed.
- Make sure the training certification is:
 - Maintained while the employee works for you;
- AND**
- Kept readily available for review by the director or an authorized representative.

NEW SECTION**WAC 296-870-500 Section contents.****IMPORTANT:**

This section applies to permanent powered platform installations that meet **all** of the following:

- The installation was completed between August 27, 1971, and July 24, 1990
- There has been no major modification to the installation after July 23, 1990
- The working platforms use electric-powered, winding drum type hoisting machines.

- Note:**
- Platforms operated by other types of power and using other types of hoisting machines are allowed if they:
 - Have adequate protective devices for the type of power used;
 - AND**
 - Provide reasonable safety for persons using or exposed to the equipment
 - Other types of hoisting machines include, but are not limited to, machines such as traction drum hoisting machines, air powered machines, hydraulic powered machines, and internal combustion machines.

Definition:

An **existing installation** is a permanent powered platform installation that:

- Was completed before July 23, 1990;

AND

- Has had no major modification done after July 23, 1990.

Your responsibility:

To make sure powered platform installations completed between August 27, 1971, and July 24, 1990, meet these building and equipment requirements.

WAC 296-870-50005

Design, construction, and installation.

WAC 296-870-50010

Fall protection.

WAC 296-870-50015

Electrical.

NEW SECTION**WAC 296-870-50005 Design, construction, and installation.****You must:**

- Make sure powered platforms designated as Type F meet all the requirements in Part II of ANSI A120.1-1970, American National Standard Safety Requirements for Powered Platforms for Exterior Building Maintenance.

Definition:

A **Type F powered platform** has both of the following characteristics:

- The working platform is suspended by at least four wire ropes and designed so that failure of any one wire rope will not substantially alter the normal position of the working platform
- Only one layer of hoisting rope is permitted on the winding drums.

You must:

- Make sure powered platforms designated as Type T meet all the requirements in Part III of ANSI A120.1-1970 American National Standard Safety Requirements for Powered Platforms for Exterior Building Maintenance except for section 28, Safety belts and lifelines.

Definition:

A **Type T powered platform** has a working platform that is suspended by at least two wire ropes. The platform will not fall to the ground if a wire rope fails, but the working platform's normal position would be upset.

NEW SECTION**WAC 296-870-50010 Fall protection.****You must:**

- Make sure the fall protection system of both Type F and Type T powered platforms meet the requirements of Appendix C—Personal fall arrest system, WAC 296-24-88050, found in the General safety and health standards, chapter 296-24 WAC.

- Make sure working platforms have permanent guardrails that meet all of the following requirements:

- Guardrails on the building side (front) of the platform have a top rail that is not less than thirty-eight inches and not more than forty-five inches high.

- Guardrails on the other three sides have a top rail that is not less than forty-five inches high.

- Top rails are able to withstand a force of at least two hundred pounds

- Guardrails have a midrail around the entire platform between the top rail and the toeboard.

Reference:

Ramps and walkways that are four feet (1.2 m) or more above a lower level need to have a guardrail system. These requirements are found in Working Surfaces, Guarding Floors and Wall Openings, Ladders, Part J-1, in the General safety and health standards, chapter 296-24 WAC.

NEW SECTION**WAC 296-870-50015 Electrical.****You must:**

• Make sure electrical wiring and equipment meets the requirements of the National Electric Code, NFPA 70-1987, ANSI C1-1987, except as modified by ANSI A120.1-1970 American National Standard Safety Requirements for Powered Platforms for Exterior Building Maintenance.

- Make sure runway conductor systems are:
 - Designed for use in exterior locations;

AND

– Located to prevent contact with water or accumulated snow.

• Make sure conductors, collectors, and disconnecting means meet the requirements for cranes and hoists in Article 610 of the National Electrical Code, NFPA 70-1987, ANSI C1-1987.

• Make sure the power conductors are paralleled by a grounded conductor that meets both of the following:

- It cannot be opened by the disconnecting means;

AND

– The system is designed to not pose a hazard to persons in the area.

NEW SECTION**WAC 296-870-600 Section contents.****IMPORTANT:**

This section applies to permanent powered platform installations that meet **either** of the following:

- Were completed after July 23, 1990;

OR

• Have had major modifications done to an existing installation after July 23, 1990.

Definition:

A **new installation** is a permanent powered platform installation that was completed, or an existing installation that has had major modifications done, after July 23, 1990.

Note: If affected parts of the building meet the requirements of the edition of American National Standard Institute/American Society of Mechanical Engineers ANSI/ASME A120.1, Safety Requirements for Powered Platforms for Building Maintenance, that was in effect when the powered platform installation was completed, they will be considered to meet the requirements of this section.

Your responsibility:

To make sure new powered platform installations meet these building requirements.

WAC 296-870-60005

Design.

WAC 296-870-60010

Stabilization systems.

WAC 296-870-60015

Intermittent stabilization system.

WAC 296-870-60020

Button guide stabilization system.

WAC 296-870-60025

Stabilization system using angulated roping and building face rollers.

WAC 296-870-60030

Cable stabilization.

WAC 296-870-60035

Electrical.

WAC 296-870-60040

Guarding roofs and other elevated areas.

WAC 296-870-60045

Moving equipment.

WAC 296-870-60050

Repair and maintenance.

WAC 296-870-60055

Communications.

NEW SECTION**WAC 296-870-60005 Design.****You must:**

• Make sure structural supports, tie-downs, tie-in guides, anchoring devices and any affected parts of the building included in the installation are designed by, or under the direction of, a registered professional engineer experienced in such design.

• Make sure affected parts of the building are capable of sustaining all the loads imposed by the equipment.

• Make sure exterior installations are capable of withstanding prevailing climatic conditions.

• Make sure the affected parts of the building allow employees to use the equipment without being exposed to a hazardous condition.

NEW SECTION**WAC 296-870-60010 Stabilization systems.****You must:**

• Make sure the exterior of each building is provided with at least one of the following stabilization systems:

– Continuous tie-in guides

– Intermittent stabilization system

– Button guide stabilization system

– System using angulated roping and building face rollers

– System equivalent to a continuous tie-in guide system

Exemption: • Tie-in guides may be eliminated for not more than seventy-five feet (22.9 m) of the uppermost elevation of the building if:

– Using tie-in guides there is not feasible due to building design;

AND

– Angulated roping is used that provides a stabilizing force of at least ten pounds (44.4 n) under all conditions of loading.

You must:

• Make sure embedded tie-down anchors, fasteners, and affected structures are corrosion-resistant.

NEW SECTION**WAC 296-870-60015 Intermittent stabilization system.**

Note: This system may be used with a continuous tie-in guide system on the same building as long as the requirements for each system are met.

You must:

- Make sure an intermittent stabilization system:
 - Keeps the equipment in constant contact with the building;

AND

- Prevents sudden horizontal movement of the platform.
- Make sure building anchors are located vertically so that:
 - The distance between anchors is not more than three floors or fifty feet (15.3 m), whichever is less;

AND

- Attaching the suspension ropes to the stabilizer ties will not cause the platform to move horizontally across the face of the building.

- Make sure the anchors are positioned horizontally on the building face so as to be symmetrical about the platform suspension ropes.

- Make sure building anchors:
 - Are easily seen by employees;

AND

- Allow a stabilizer tie attachment for each of the platform suspension ropes at each vertical interval.

- Make sure building anchors that extend beyond the face of the building have no sharp edges or points.

- Make sure building anchors do not interfere with the handling or operation of cables, suspension wire ropes and lifelines that may be in contact with the building face.

- Make sure the building anchors and components can sustain, without failure, at least four times the maximum anticipated load applied or transmitted to them.

- Make sure the building anchors and stabilizer ties can sustain the anticipated horizontal and vertical loads from winds specified for roof storage design which may act on the platform and wire ropes if the platform is stranded on the building face.

- Make sure the minimum design wind load for each anchor is three hundred pounds (1334 n) if two anchors share the wind load.

- Make sure one building anchor and stabilizer tie can sustain the wind load if either:
 - The building anchors have different spacing than the suspension wire rope;

OR

- The building requires different suspension spacings on one platform.

NEW SECTION**WAC 296-870-60020 Button guide stabilization system.****You must:**

- Make sure the guide buttons are:
 - Coordinated with the platform guide tracks and other platform-mounted equipment;

AND

- Located on the building so they properly engage the guide tracks mounted on the platform.

- Make sure two guide buttons engage each guide track at all times except for the initial engagement.

- Make sure guide buttons that extend beyond the face of the building have no sharp edges or points.

- Make sure guide buttons do not interfere with the handling or operation of cables, suspension wire ropes and lifelines that may be in contact with the building face.

- Make sure guide buttons, connections, and seals are either:
 - Able to sustain, without damage, at least the weight of the platform;

OR

- Are prevented by the guide tracks or guide track connectors from having the weight of the platform and its attachments transmitted to them.

NEW SECTION**WAC 296-870-60025 Stabilization system using angulated roping and building face rollers.****You must:**

- Make sure a stabilization system using angulated roping and building face rollers does all of the following:
 - Keeps the equipment in continuous contact with the building face

- Prevents sudden horizontal movement of the platform

- Maintains a stabilizing force of at least ten pounds (44.4 n) against the face of the building.

- Make sure the suspended portion of the equipment is not used more than one hundred thirty feet (39.6 m) above a safe surface or ground level.

NEW SECTION**WAC 296-870-60030 Cable stabilization.****You must:**

- Make sure hanging lifelines and all other cables not in tension are stabilized after the initial two hundred feet (61 m) of vertical travel of the working platform and every two hundred feet (61 m) thereafter.

- Make sure hanging cables which are in constant tension, other than suspended wire ropes, are stabilized after an initial six hundred feet (183 m) of vertical travel of the working platform and at intervals of six hundred feet (183 m) or less thereafter.

NEW SECTION**WAC 296-870-60035 Electrical.****You must:**

- Make sure, when full load is applied to the equipment power circuit, that the building electrical wiring does not allow more than a five percent voltage drop from the building service vault voltage at any power circuit outlet used by the powered platform installation.

- Make sure the equipment power circuit is provided with a disconnect switch that is all of the following:
 - Able to be locked in either the "off" or "on" position

- Conveniently located with respect to the primary operating area of the equipment to allow equipment operators access to the switch

- Locked in the "on" position when the equipment is being used.

- Make sure the powered platform equipment power supply is an independent electrical circuit that remains separate from all other equipment within or on the building.

Exemption: The equipment power circuit may be connected to the electrical circuit supplying power to hand tools used in conjunction with the equipment.

Note: If the building is provided with an emergency power system, the equipment power circuit may also be connected to the emergency power system.

Reference: Unless otherwise specified in this section, building electrical installations have to meet the requirements of Electrical, Part L, in the General safety and health standards, chapter 296-24 WAC.

NEW SECTION

WAC 296-870-60040 Guarding roofs and other elevated areas.

You must:

- Make sure employees working on a roof or other elevated working area four feet (1.2 m) or more above an adjacent safe surface are protected by a perimeter guarding system.

Reference: Requirements for the perimeter guarding system are found in Guarding floor and wall openings and holes, WAC 296-24-750, found in the General safety and health standards, chapter 296-24 WAC.

You must:

- Make sure the inboard face of the perimeter guard is:
 - Not more than six inches (152 mm) inboard of the inside face of a barrier such as the parapet wall or roof edge curb;

AND

- Not more than eighteen inches (457 mm) from the face of the building.

- Make sure an elevated track system that is designed to be traversed by carriage-supported equipment and located four feet (1.2 m) or more above an adjacent safe surface is either:

- Provided with a walkway and guardrail system;

OR

- Has a working platform that can be lowered, as part of normal operations, to the lower safe surface.

- Make sure personnel have a safe way to access and to egress from the lower safe surface.

NEW SECTION

WAC 296-870-60045 Moving equipment.

You must:

- Make sure all carriages and carriage-supported equipment can be traversed to a safe area for storage and maintenance.

- Make sure operational areas for trackless type equipment have structural stops, such as curbs, to prevent equipment from traveling outside its intended travel area.

NEW SECTION

WAC 296-870-60050 Repair and maintenance.

You must:

- Make sure repair or major maintenance of parts of the building that provide primary support for suspended equipment does not affect the ability of the building to meet the requirements of this chapter.

NEW SECTION

WAC 296-870-60055 Communications.

You must:

- Make sure an effective two-way voice communication system is provided between the equipment operators and persons stationed within the building.

NEW SECTION

WAC 296-870-700 Section contents.

IMPORTANT:

This section applies to permanent powered platform installations that meet either of the following:

- Were completed after July 23, 1990;

OR

- Have had major modifications done to an existing installation after July 23, 1990.

Definition:

A **new installation** is a permanent powered platform installation that was completed, or an existing installation that has had major modifications done, after July 23, 1990.

Note: If the powered platform equipment meets the requirements of the edition of American National Standard Institute/American Society of Mechanical Engineers ANSI/ASME A120.1, Safety Requirements for Powered Platforms for Building Maintenance, that was in effect when the powered platform installation was completed, it will be considered to meet the requirements of this section.

Your responsibility:

To make sure equipment used with new powered platform installations meets these requirements.

WAC 296-870-70005

Design and construction.

WAC 296-870-70010

Carriages.

WAC 296-870-70015

Carriage strength and stability.

WAC 296-870-70020

Carriage traversing.

WAC 296-870-70025

Transportable outriggers.

WAC 296-870-70030

Davits.

WAC 296-870-70035

Hoisting machines.

WAC 296-870-70040

Suspended equipment strength and stability.

WAC 296-870-70045

Suspended equipment guardrail system.

WAC 296-870-70050

Suspended working platforms and manned platforms used on supported equipment.

WAC 296-870-70055

Working platform fall protection.

WAC 296-870-70060

Two- and four-point suspended working platforms.

WAC 296-870-70065

Ground-rigged working platforms.

WAC 296-870-70070

Intermittently stabilized working platforms.

WAC 296-870-70075

Button guide stabilized working platforms.

WAC 296-870-70080

Supported equipment.

WAC 296-870-70085

Suspension wire ropes and rope connections.

WAC 296-870-70090

Control circuits, power circuits and electrical protective devices.

NEW SECTION

WAC 296-870-70005 Design and construction.

IMPORTANT:

This section applies to equipment which is part of a powered platform installation, such as platforms, stabilizing components, carriages, outriggers, davits, hoisting machines, wire ropes and electrical components.

You must:

- Make sure equipment installations are designed by, or under the direction of, a registered professional engineer experienced in such design.

- Make sure the design uses a minimum live load of two hundred fifty pounds (113.6 kg) for each occupant of a suspended or supported platform.

- Make sure equipment exposed to wind when not in service is designed to withstand loads generated by winds of at least one hundred miles per hour (44.7 m/s) at thirty feet (9.2 m) above grade.

- Make sure equipment exposed to wind when in service is designed to withstand loads generated by winds of at least fifty miles per hour (22.4 m/s) for all elevations.

- Make sure elevated building maintenance equipment is suspended by one of the following:

- A carriage

- Outriggers

- Davits

- An equivalent method.

- Make sure bolted connections are self-locking or otherwise secured to prevent loosening by vibration.

NEW SECTION

WAC 296-870-70010 Carriages.

You must:

- Make sure each carriage work station is identified by location markings or position indicators.

- Make sure means are provided to lock out the power supply for the carriage.

- Make sure safe access to and egress from the carriage is provided from a safe surface.

- Make sure any carriage access gate is either:
 - Self-closing and self-latching;

OR

- Provided with an interlock.

- Make sure any operating area on the carriage is protected by a guardrail system.

Reference: Guardrail system requirements are found in Suspended equipment guardrail system, WAC 296-870-70045.

NEW SECTION

WAC 296-870-70015 Carriage strength and stability.

You must:

- Make sure roof carriage system stability is obtained by using gravity, attachment to a structural support, or a combination of gravity and structural attachment.

- Never use a material that can flow as a counterweight to achieve stability.

- Make sure the stability factor against overturning for horizontal traversing of the carriage, including wind and impact effects, is not less than two.

- Make sure carriages and their anchorages can resist accidental over-tensioning of the wire ropes suspending the platform. Include in the calculation the effect of one and one-half times the stall load of the hoist.

- Make sure all parts of the powered platform installation can withstand, without damage, the forces resulting from a load equal to the stall load of the hoist and one-half of the wind load.

- Make sure roof carriages which develop the required stability against overturning by using tie-down devices secured to the building have an interlock which will prevent vertical platform movement unless the tie-down is engaged.

NEW SECTION

WAC 296-870-70020 Carriage traversing.

You must:

- Make sure carriages used to suspend powered platforms meet all of the following:

- The horizontal movement of the carriage is controlled to permit it to be moved safely and to allow accurate positioning of the platform for vertical travel or storage

- Structural stops and curbs are provided to prevent traversing of the carriage beyond its designed limits of travel

- Powered carriages are limited to a maximum traversing speed of fifty feet per minute (0.3 m/s)

- Manually propelled carriages on a smooth level surface require a horizontal force of not more than one hundred pounds (44.8 n) per person to initiate a traversing movement.

- Make sure traversing controls for a powered carriage meet all of the following:

- Controls are continuous pressure weatherproof type

- Multiple controls, if provided, only permit operation from one control station at a time

- An emergency stop device that interrupts power to the carriage drive motors is provided on each end of the carriage.

- Make sure the operating controls of suspended equipment is connected so that traversing the carriage is not possible until:

– The suspended portion of the equipment is at the uppermost designed position for traversing and free of contact with the face of the building or building guides;

AND

– All protective devices and interlocks are in the proper position to allow traversing of the carriage.

• Make sure unintentional traversing of the carriage is prevented by providing one of the following:

– An automatically applied braking or locking system, or the equivalent, for power-traversed or power-assisted carriages

– A manual or automatic braking or locking system, or the equivalent, for manually propelled carriages.

NEW SECTION

WAC 296-870-70025 Transportable outriggers.

You must:

• Make sure transportable outriggers are only used when all of the following are met:

– They are used with self-powered, ground-rigged working platforms

– The point of suspension is not higher than three hundred feet (91.5 m) above a safe surface

– A tie-in guide stabilization system is provided.

• Make sure each outrigger is secured with a tie down to a verified anchorage on the building and meets all of the following:

– The outrigger is tied down during the entire time it is used

– The outrigger is tied back with a rope equivalent in strength to the suspension rope

– The tie-back rope is installed parallel to the centerline of the outrigger

– The anchorage has a design stability factor against overturning or upsetting of the outrigger of not less than four.

• Make sure access to and egress from the working platform is from and to a safe surface below the point of suspension.

• Make sure each outrigger has a design stability factor to prevent rollover in the event of an accidental lateral load on the outrigger of not less than seventy percent of the rated load of the hoist.

• Make sure each outrigger is designed to support an ultimate load of not less than four times the rated load of the hoist.

• Make sure each outrigger is located so that the suspension wire ropes for two point suspended working platforms are parallel.

NEW SECTION

WAC 296-870-70030 Davits.

You must:

• Make sure all davit installations are designed and installed to have a stability factor against overturning of not less than four.

• Make sure access to and egress from the working platform of roof rigged davit systems:

– Is from a safe surface;

AND

– Does not require persons to climb over a building parapet or guardrail.

• Make sure the working platform of a roof rigged davit system has wheels, casters, or a carriage for traversing horizontally.

• Make sure ground rigged davit systems meet all of the following:

– The point of suspension is not higher than three hundred feet (91.5 m) above a safe surface

– A tie-in guide stabilization system is provided

– Access to and egress from the working platform is from a safe surface below the point of suspension.

• Make sure a rotating davit of a ground rigged davit system requires a horizontal force of forty pounds (177.9 n) or less per person to initiate a rotating movement.

• Make sure a transportable davit or part of a davit weighing more than eighty pounds (36 kg) has means provided for its transport that keep the center of gravity of the davit at or below thirty-six inches (914 mm) above the safe surface during transport.

• Make sure a transportable davit is provided with a pivoting socket or base that allows the davit to be removed or inserted:

– At a position of not more than thirty-five degrees above the horizontal;

AND

– With the complete davit inboard of the building face.

• Make sure means are provided to lock a transportable davit to its socket or base before it is used to suspend the platform.

NEW SECTION

WAC 296-870-70035 Hoisting machines.

You must:

• Make sure suspended or supported equipment is raised or lowered only by a hoisting machine.

• Make sure each hoisting machine is all of the following:

– Powered only by air, electric, or hydraulic sources

– Capable of raising or lowering one hundred twenty-five percent of the rated load of the hoist

– Able to arrest any overspeed descent of the load.

• Make sure the stall load of any hoist motor is not more than three times its rated load.

• Make sure any component of a hoisting machine that needs to be lubricated for protection or proper functioning has means provided to apply the lubricant.

• Make sure winding drums, traction drums and sheaves, and directional sheaves used in conjunction with hoisting machines are compatible with, and sized for, the wire rope used.

• Make sure each winding drum:

– Has a positive means to attach the wire rope to the drum;

AND

– The attachment can develop at least four times the rated load of the hoist.

• Make sure each hoisting machine is provided with a primary brake that is all of the following:

- Capable of stopping and holding not less than one hundred twenty-five percent of the lifting capacity of the hoist
 - Directly connected to the drive train of the hoisting machine without using belts, chains, clutches, or set screw type devices
 - Automatically set when power to the prime mover is interrupted.
 - Make sure each hoisting machine is provided with at least one independent secondary brake that is all of the following:
 - Capable of stopping and holding not less than one hundred twenty-five percent of the lifting capacity of the hoist
 - An automatic emergency type of brake that, if actuated during each stopping cycle, does not engage before the hoist is stopped by the primary brake
 - Able to stop and hold the platform within a vertical distance of twenty-four inches (609.6 mm) after the brake is actuated.

Reference: Moving parts of a hoisting machine need to be enclosed or guarded as required by another chapter, Machine safety, chapter 296-806 WAC.

NEW SECTION

WAC 296-870-70040 Suspended equipment strength and stability.

You must:

- Make sure each suspended unit component is:
 - Capable of supporting, without failure, at least four times the maximum intended live load applied or transmitted to it;

AND

- Constructed of materials that will withstand the anticipated weather conditions.

Exemption: The strength requirement does not apply to suspension ropes and guardrail systems.

You must:

- Make sure each suspended unit has a load rating plate that:
 - Is conspicuously located;

AND

- States the suspended unit weight and rated load.
 - Make sure suspended units that do not have the suspension points at the end of the unit:
 - Are continuously stable for any position or use of the live load;

AND

- Maintain at least a one and one-half to one stability factor against unit upset.

- Make sure each suspended unit has guide rollers, guide shoes, or building face rollers that compensate for variations in building dimensions and for minor horizontal out-of-level variations of the suspended unit.

- Make sure the working platform of each suspended unit is secured to the building facade by at least one of the following methods:

- Continuous engagement to building anchors
- Intermittent engagement to building anchors
- Button guide engagement
- Angulated roping and building face rollers

- A system equivalent to continuous engagement to building anchors.

NEW SECTION

WAC 296-870-70045 Suspended equipment guard-rail system. You must:

- Make sure each working platform of a suspended unit has a guardrail system on all sides that consists of a top guardrail, midrail, and a toeboard.

- Make sure the top guardrail is:

- At least thirty-eight inches (950 mm) high;

AND

- Able to withstand at least a two hundred pound (890 n) force in any downward or outward direction.

- Make sure the midrail is able to withstand at least a seventy-five pound (333 n) force in any downward or outward direction.

- Make sure material encloses the area:

- Between the top guardrail and the toeboard on the ends and outboard side of the platform;

AND

- Between the midrail and the toeboard on the inboard side of the platform.

- Make sure the material surrounding the platform is:

- Able to withstand a load of one hundred pounds (45.4 kg) applied horizontally over any area of one square foot (.09 m²);

AND

- Has openings small enough to not allow passage of life lines and potential falling objects.

- Make sure toeboards are all of the following:

- Capable of withstanding, without failure, a force of at least fifty pounds (222 n) applied at any point in a downward or horizontal direction

- At least four inches (9 cm) from their top edge to the level of the platform floor

- Securely fastened in place at the outermost edge of the platform

- Installed so there is not more than a one-half inch (1.3 cm) gap between the bottom of the toeboard and the platform floor

- Solid or with openings not more than one inch (2.5 cm) in the greatest dimension.

NEW SECTION

WAC 296-870-70050 Suspended working platforms and manned platforms used on supported equipment.

You must:

- Make sure the width of the working platform is:

- At least twenty-four inches (610 mm);

AND

- Allows a minimum of a twelve-inch (305 mm) wide passage at or past any obstruction on the platform.

- Make sure the platform has slip-resistant flooring.

- Make sure any opening in the platform is either:

- Small enough to prevent passage of life lines, cables, and other potential falling objects;

OR

- Protected by material under the opening which prevents the passage of life lines, cables, and potential falling objects.

- Make sure means are provided to store any cable suspended from above the platform to keep it from accumulating on the floor of the platform.

- Make sure means are provided to secure all tools, water tanks, and other accessories to keep them from moving or accumulating on the floor of the platform.

- Make sure flammable liquids are not carried on the working platform.

- Make sure a type B-C portable fire extinguisher is provided and securely attached on all working platforms.

- Make sure operating controls for vertical travel of the platform are:

- Continuous-pressure type;

AND

- Located on the platform.

- Make sure the maximum rated speed of the platform is limited to:

- Fifty feet per minute (0.3 ms) for single speed hoists;

AND

- Seventy-five feet per minute (0.4 ms) for multispeed hoists.

- Make sure access to and egress from a working platform, except for those that land directly on a safe surface, is provided by stairs, ladders, platforms or runways.

- Make sure access gates are self-closing and self-latching.

Reference: Requirements for stairs, ladders, platforms and runways are found in other chapters:

- Working Surfaces, Guarding Floors and Wall Openings, Ladders, Part J-1 in the General safety and health standards, chapter 296-24 WAC

- Scaffolds, chapter 296-874 WAC

- Ladders, portable, chapter 296-876 WAC.

You must:

- Make sure a suspended platform's suspension system restricts the platform inboard to outboard roll around its longitudinal axis to not more than fifteen degrees from the horizontal when moving the live load from the inboard to the outboard side of the platform.

Note: The roll limitation does not apply to supported equipment.

NEW SECTION

WAC 296-870-70055 Working platform fall protection.

You must:

- Make sure a secondary wire rope suspension system which prevents the platform from falling if the primary means of support fails is provided on:

- Working platforms that contain overhead structures which restrict emergency egress;

AND

- Single-point suspended working platforms.

- Make sure each person on the working platform is provided with a fall arrest system that:

- Meets the requirements of Appendix C—Personal fall arrest system, WAC 296-24-88050, found in the General safety and health standards, chapter 296-24 WAC;

AND

- Uses a horizontal lifeline or direct connection anchorage on platforms that contain overhead structures which restrict emergency egress.

- Make sure platforms suspended by two or more wire ropes are provided with vertical lifelines if failure of one wire rope or suspension attachment will cause the platform to upset.

Note: Vertical lifelines are not required for the fall arrest system if a secondary wire rope suspension is used and each person is attached to a horizontal lifeline anchored to the platform.

NEW SECTION

WAC 296-870-70060 Two- and four-point suspended working platforms.

IMPORTANT:

In addition to these requirements, you also need to meet the requirements of both of the following sections in this chapter:

- Suspended working platforms and manned platforms used on supported equipment, WAC 296-870-70050

- Working platform fall protection, WAC 296-870-70055.

You must:

- Make sure an emergency electric operating device is provided on roof powered platforms that:

- Can be used if either the normal operating device located on the platform or the cable connected to the platform fails;

AND

- Is mounted in a secured compartment near the hoisting machine.

- Make sure the secured compartment containing the emergency electric operating device:

- Is labeled with instructions for using the emergency electric operating device;

AND

- Has means for opening the compartment mounted in:

- A break-glass receptacle near the emergency electric operating device;

OR

- An equivalent secure and accessible location.

NEW SECTION

WAC 296-870-70065 Ground-rigged working platforms.

IMPORTANT:

In addition to these requirements, you also need to meet the requirements of both of the following sections in this chapter:

- Suspended working platforms and manned platforms used on supported equipment, WAC 296-870-70050

- Working platform fall protection, WAC 296-870-70055.

You must:

- Make sure, after each day's use, ground-rigged working platforms are:
 - Disconnected from the power supply within the building;
- AND**
- Disengaged from its suspension points or secured and stored at grade.

NEW SECTION**WAC 296-870-70070 Intermittently stabilized working platforms.****IMPORTANT:**

In addition to these requirements, you also need to meet the requirements of both of the following sections in this chapter:

- Suspended working platforms and manned platforms used on supported equipment, WAC 296-870-70050;
- Working platform fall protection, WAC 296-870-70055.

You must:

- Make sure each stabilizer tie is equipped with a "quick connect - quick disconnect" device for attachment to the building anchor that:
 - Cannot be accidentally disengaged;

AND

- Is resistant to adverse environmental conditions.
- Make sure the platform has a stopping device that will interrupt the hoist power supply in the event the platform contacts a stabilizer tie during its ascent.

- Make sure intermittently stabilized platforms use stabilizer ties that:
 - Allow the specific attachment length needed to obtain the predetermined angulation of the suspended wire rope;

AND

- Maintain the specific attachment length at all building anchor locations.

- Make sure stabilizer ties can be attached and removed without horizontal movement of the platform.

- Make sure platform-mounted equipment and suspension wire ropes:
 - Will not be damaged by the loads from the stabilizer tie or its building anchor;

AND

- Are able to withstand a load that is at least twice the ultimate strength of the stabilizer tie.

- Make sure building face rollers are placed so they do not contact exterior anchors used on the building face.

- Make sure the platform maintains continuous contact with the building face while ascending and descending.

NEW SECTION**WAC 296-870-70075 Button guide stabilized working platforms.****IMPORTANT:**

In addition to these requirements, you also need to meet the requirements of both of the following sections in this chapter:

- Suspended working platforms and manned platforms used on supported equipment, WAC 296-870-70050;
- Working platform fall protection, WAC 296-870-70055.

You must:

- Make sure two guide tracks are mounted on the platform and provide continuous contact with the building face.

- Make sure each guide track on the platform meets all of the following:
 - Engages a minimum of two guide buttons during any vertical travel of the platform after the initial button engagement

- Is sufficiently maneuverable by platform occupants to permit easy engagement of the guide buttons

- Can be easily moved into and out of its storage position on the platform.

- Make sure each guide track on the platform of a roof-rigged system has a storage position on the platform.

- Make sure load carrying components of the button guide stabilization system which transmit the load into the platform are either:
 - Able to support the weight of the platform;

OR

- Are prevented by the guide track connectors or platform attachments from having the weight of the platform transmitted to the platform attachments.

NEW SECTION**WAC 296-870-70080 Supported equipment.****IMPORTANT:**

Manned platforms used on supported equipment need to meet all the requirements, except the inboard to outboard roll limitation, of suspended working platforms and manned platforms used on supported equipment, WAC 296-870-60050.

You must:

- Make sure supported equipment uses means other than friction to maintain a vertical position relative to the face of the building.

- Make sure cog wheels or equivalent means are incorporated to provide climbing traction between the supported equipment and the building guides.

- Make sure additional guide wheels or shoes are incorporated as necessary to keep the drive wheels continuously in positive engagement with the building guides.

- Make sure that, at the point where the drive wheels enter the building guides, proper alignment is maintained using launch guide mullions that are:
 - Indexed to the building guides;

AND

- Retained in alignment with the building guides.

NEW SECTION**WAC 296-870-70085 Suspension wire ropes and rope connections.****You must:**

- Make sure each specific installation uses suspension wire ropes and connections or combination cable and connections meeting the specifications recommended by the hoisting machine manufacturer.

- Make sure connections are capable of developing at least eighty percent of the rated breaking strength of the wire rope.
- Make sure each suspension rope has a design factor of at least ten.

Definition:

The design factor is the ratio of the rated strength of the suspension wire rope to the rated working load. It is calculated using the following formula:

$$F = (S \times N) / W$$

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.

Example:

A working platform is suspended by 4 wire ropes (N), each having a rated strength (S) of three thousand pounds. The rated working load of the platform (W) is one thousand pounds.

Calculate the design factor (F) as follows:

$$F = (S \times N) / W = (3000 \times 4) / 1000 = 12000 / 1000 = 12$$

You must:

- Make sure the minimum grade of suspension wire rope used is improved plow steel or equivalent.
- Make sure suspension wire ropes are sized to conform with the required design factor, but never less than 5/16 inch (7.94 mm) in diameter.
 - Make sure there is not more than one reverse bend in six wire rope lays.
 - Make sure a suspension wire rope that is to be used at a specific location, and will remain at that location, has a corrosion-resistant tag that:
 - Is securely attached to one of the wire rope fastenings;
- AND
 - Bears the following wire rope information:
 - Diameter in inches or millimeters (mm)
 - Construction classification
 - Whether nonpreformed or preformed
 - Grade of material
 - Manufacturer's rated strength
 - Manufacturer's name
 - Month and year the ropes were installed
 - Name of the person or company which installed the ropes.
- Make sure a new tag is installed at each wire rope renewal.
 - Make sure when resocketing the wire rope either:
 - The original tag is stamped with the date of resocketing;
- OR
 - The original tag is retained and a supplemental tag added that shows:
 - The date of resocketing;
- AND
 - The name of the person or company that resocketed the rope.
- Make sure winding drum type hoists contain at least three wraps of the suspension wire rope on the drum when the

suspended unit has reached the lowest possible point of its vertical travel.

- Make sure traction drum and sheave type hoists use wire rope long enough to reach the lowest possible point of vertical travel of the suspended unit, and an additional length of the wire rope of at least four feet (1.2 m).
- Make sure suspension wire rope is never lengthened or repaired.
- Make sure babbitted fastenings are never used with suspension wire rope.

NEW SECTION**WAC 296-870-70090 Control circuits, power circuits and electrical protective devices.**

Reference: Unless otherwise specified in this chapter, make sure electrical wiring and equipment meet the requirements of Electrical, Part L in the General safety and health standards, chapter 296-24 WAC.

You must:

- Make sure electrical runway conductor systems are:
 - Designed for use in exterior locations;
- AND
 - Located so they do not come in contact with accumulated snow or water.
- Make sure cables are protected against damage resulting from over-tensioning or other causes.
- Make sure the control system requires the operator to follow predetermined procedures to operate suspended or supported equipment.
 - Make sure the control system has:
 - Devices included to protect the equipment against electrical overloads, three-phase reversal and phase failure;
- AND
 - A separate method that is independent of the direction control circuit to break the power circuit in case of an emergency or malfunction.
- Make sure installations where the carriage does not have a stability factor of at least four against overturning have electrical contacts provided and connected so that the operating devices for suspended or supported equipment will only function when the carriage is located and mechanically retained at an established operating point.
 - Make sure the hoisting or suspension system has overload protection to prevent the equipment from operating in the "up" direction with a load greater than one hundred twenty-five percent of the rated load of the platform.
 - Make sure an automatic detector is provided for each suspension point that will do both of the following if a suspension wire rope becomes slack:
 - Interrupt power to all hoisting motors for travel in the "down" direction;
- AND
 - Apply the primary brakes.
- Note:** A continuous-pressure rigging-bypass switch designed for use during rigging is permitted. It can only be used during rigging.

You must:

- Make sure upper and lower directional switches are provided that are designed to prevent the travel of suspended units beyond safe upward and downward levels.
- Make sure remote controlled, roof-powered manned platforms have an emergency stop switch located adjacent to each control station on the platform.
- Make sure cables which are in constant tension have overload devices which will prevent the tension in the cable from interfering with:
 - The device that limits the hoist from lifting a load greater than one hundred twenty-five percent of the rated load of the platform;

AND

- The platform roll limiting device required by WAC 296-870-70050, Suspended working platforms and manned platforms used on supported equipment.

NEW SECTION**WAC 296-870-800 Definitions.**

Anemometer. An instrument for measuring wind velocity.

Angulated roping. A suspension method where the upper point of suspension is inboard from the attachments on the suspended unit, thus causing the suspended unit to bear against the face of the building.

Building face rollers. A specialized form of guide roller designed to ride on the face of the building wall to prevent the platform from abrading the face of the building and to assist in stabilizing the platform.

Building maintenance. Operations such as window cleaning, caulking, metal polishing, reglazing, and general maintenance on building surfaces.

Cable. A conductor, or group of conductors, enclosed in a weatherproof sheath, that may be used to:

- Supply electrical power or control current for equipment;

OR

- Provide voice communication circuits.

Carriage. A wheeled vehicle used for the horizontal movement and support of other equipment.

Certification. A written, signed, and dated statement confirming the performance of a requirement.

Combination cable. A cable having both steel structural members capable of supporting the platform, and copper or other electrical conductors insulated from each other and the structural members by nonconductive barriers.

Competent person. Someone who:

- Is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees;

AND

- Has the authority to take prompt corrective measures to eliminate them.

Continuous pressure. Operation of a control by requiring constant manual actuation for the control to function.

Control. A system or mechanism used to regulate or guide the operation of equipment.

Davit. A device, used singly or in pairs, for suspending a powered platform from work, storage and rigging locations on the building being serviced. Unlike outriggers, a davit reacts its operating load into a single roof socket or carriage attachment.

Design factor. The ratio of the rated strength of the suspension wire rope to the rated working load. It is calculated using the following formula:

$$F = (S \times N)/W$$

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.

Equivalent. Alternative design, material or method to protect against a hazard. You have to demonstrate it provides an equal or greater degree of safety for employees than the method, material or design specified in the rule.

Existing installation. A permanent powered platform installation that:

- Was completed before July 23, 1990;

AND

- Has had no major modification done after July 23, 1990.

Ground rigging. A method of suspending a working platform starting from a safe surface to a point of suspension above the safe surface.

Ground rigged davit. A davit which cannot be used to raise a suspended working platform above the building face being serviced.

Guide button. A building face anchor designed to engage a guide track mounted on a platform.

Guide roller. A rotating cylindrical member that provides continuous engagement between the suspended or supported equipment and the building guides. It may operate separately or as part of a guide assembly.

Guide shoe. A device that is similar to a guide roller but is designed to provide a sliding contact between the shoe and the building guides.

Hoisting machine. A device intended to raise and lower a suspended or supported unit.

Installation. A powered platform installation consists of all the equipment and the parts of the building involved with using the powered platform for building maintenance.

Interlock. A device designed to ensure that operations or motions occur in proper sequence.

Intermittent stabilization. A method of platform stabilization in which the angulated suspension wire ropes are secured to regularly spaced building anchors.

Lanyard. A flexible line of rope, wire rope or strap which is used to secure the body harness to a deceleration device, lifeline or anchorage.

Lifeline. A component consisting of a flexible line that connects to an anchorage at one end to hang vertically (vertical lifeline), or that connects to anchorages at both ends to stretch horizontally (horizontal lifeline). It serves as a means for connecting other components of a personal fall arrest system to the anchorage.

Live load. The total static weight of workers, tools, parts, and supplies that the equipment is designed to support.

New installation. A permanent powered platform installation that was completed, or an existing installation that has had major modifications done, after July 23, 1990.

Operating control. A mechanism regulating or guiding the operation of equipment that makes sure the equipment operates in a specific mode.

Operating device. A push button, lever, or other manual device used to actuate a control.

Outrigger. A device, used singly or in pairs, for suspending a working platform from work, storage, and rigging locations on the building being serviced. Unlike davits, an outrigger reacts its operating moment load as at least two opposing vertical components acting into two or more distinct roof points and/or attachments.

Poured socket. A method of providing wire rope termination in which the ends of the rope are held in a tapered socket by means of poured spelter or resins.

Primary brake. A brake designed to be applied automatically whenever power to the prime mover is interrupted or discontinued.

Prime mover. The source of mechanical power for a machine.

Rated load. The manufacturer's specified maximum load.

Rated strength. The strength of wire rope, as designated by its manufacturer or vendor, based on standard testing procedures or acceptable engineering design practices.

Rated working load. The combined static weight of workers, materials, and suspended or supported equipment.

Registered professional engineer. A person who has been duly and currently registered and licensed by an authority within the United States or its territories to practice the profession of engineering.

Roof-powered platform. A powered platform having the raising and lowering mechanism located on the roof.

Roof-rigged davit. A davit used to raise the suspended working platform above the building face being serviced. This type of davit can also be used to raise a suspended working platform which has been ground rigged.

Rope. The equipment, such as wire rope, that is used to suspend a component of an equipment installation.

Safe surface. A horizontal surface that provides reasonable assurance that personnel occupying the surface will be protected from falls. This protection can be provided by location, a fall protection system, or other equivalent method.

Secondary brake. A brake designed to arrest the descent of the suspended or supported equipment in the event of an overspeed condition.

Stability factor. The ratio of the stabilizing moment to the overturning moment.

Stabilizer tie. A flexible line connecting the building anchor and the suspension wire rope supporting the platform.

Supported equipment. Building maintenance equipment that is held in or moved to its working position by means of attachment directly to the building or extensions of the building being maintained.

Suspended equipment. Building maintenance equipment that is suspended and raised or lowered to its working

position by means of ropes or combination cables attached to some anchorage above the equipment.

Tie-in guides. The portion of a building that provides continuous positive engagement between the building and a suspended or supported unit during its vertical travel on the face of the building.

Transportable outriggers. Outriggers designed to be moved from one work location to another.

Type F powered platform. A powered platform that has both of the following characteristics:

- The working platform is suspended by at least four wire ropes and designed so that failure of any one wire rope will not substantially alter the normal position of the working platform

- Only one layer of hoisting rope is permitted on the winding drums.

Type T powered platform. A powered platform installation that has a working platform suspended by at least two wire ropes. The platform will not fall to the ground if a wire rope fails, but the working platform's normal position would be upset.

Weatherproof. Constructed or protected so that exposure to the weather will not interfere with successful operation.

Winding drum hoist. A type of hoisting machine that accumulates the suspension wire rope on the hoisting drum.

Working platform. The suspended or supported equipment intended to provide access to the face of the building and manned by persons engaged in building maintenance.

Wrap. One complete turn of the suspension wire rope around the surface of a hoist drum.

WSR 06-19-079

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed September 19, 2006, 10:04 a.m., effective October 20, 2006]

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

Purpose: Rule making is a result of legislation requiring the addition of "Is legally blind and has limited mobility" to the list of reasons for disabled parking privileges. The rules for individuals with disabilities will be moved to their own chapter.

Citation of Existing Rules Affected by this Order: Repealing WAC 308-96A-311, 308-96A-312, 308-96A-313, 308-96A-314, and 308-96A-316.

Statutory Authority for Adoption: RCW 46.16.381.

Adopted under notice filed as WSR 06-15-041 on July 10, 2006.

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 0, Repealed 6.

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 3, Amended 0, Repealed 6.

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 3, Amended 0, Repealed 6.

Date Adopted: September 19, 2006.

Liz Luce
Director

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 308-96A-311	General provisions.
WAC 308-96A-312	Temporary individual with disabilities parking placard and identification card.
WAC 308-96A-313	Individual with disabilities parking placard and identification card—For permanent disabilities.
WAC 308-96A-314	Individual with disabilities special license plates.
WAC 308-96A-316	Permanent placard and individual with disabilities special license plates for organizations.

Chapter 308-96B WAC

INDIVIDUALS WITH DISABILITIES VEHICLE LICENSE PRIVILEGES

NEW SECTION

WAC 308-96B-010 Definitions—Individual with disabilities special parking privileges. For the purposes of determining eligibility under RCW 46.16.381, for individual with disabilities special parking placards and license plates, the following definitions apply:

(1) "Application for individual" means the form provided by the department that must be completed by the individual and physician.

(2) "Application for organization" means the form provided by the department that must be completed by the organization.

(3) "Identification card" means the identification card bearing the name and date of birth of the person to whom the placard/plate/tab is issued.

(4) "Licensed physician" is a health care provider to include: Chiropractor (DC), naturopath (ND), physician or surgeon (MD or DO), podiatrist (DPM), advanced registered nurse practitioner (ARNP). Licensed physician does not include persons licensed in the professions of dentistry and optometry.

(5) "Permanent" means a licensed physician has certified the qualifying disability condition is expected to last at least five years.

(6) "Permit" means the eligibility for the temporary or permanent placard or special license plate(s), individual with disability license tab, and identification card.

(7) "Private carriers" means those entities contracting with public transportation authorities to transport persons with disabilities.

(8) "Privilege" means the right to utilize the benefits associated with the individuals with disabilities, parking placards, identification card, license plate(s) and tabs.

(9) "Public transportation authorities" means those entities operating motor vehicles owned or leased by Washington state, or a town, city, county, municipality, or metropolitan or municipal corporation within the state, or United States government agencies or Indian nations used for the primary purpose of transporting persons with disabilities.

(10) "Signature" means any memorandum, mark, stamp, or sign made with intent to authenticate an application for a placard/plate, or the subscription of any person.

NEW SECTION

WAC 308-96B-020 General provisions. (1) How do I qualify for an individual with disabilities parking privilege? To qualify for temporary or permanent individual with disabilities parking privilege, a licensed physician as defined in WAC 308-96B-010(4) must certify, on a department approved application form, that you have a disability that limits or impairs your ability to walk and that you meet the requirements listed in RCW 46.16.381(1). The physician must sign a declaration under penalty of perjury that you have a disability that limits or impairs the ability to walk and that you meet one of the following criteria:

(a) Cannot walk two hundred feet without stopping to rest;

(b) Are severely limited in ability to walk due to arthritic, neurological, or orthopedic condition;

(c) Have such a severe disability that you cannot walk without the use of or assistance from a brace, cane, another person, prosthetic device, wheelchair, or other assistive device;

(d) Use portable oxygen;

(e) Are restricted by lung disease to such an extent that forced expiratory respiratory volume, when measured by spirometry, is less than one liter per second or the arterial oxygen tension is less than sixty mm/hg on room air at rest;

(f) Are impaired by cardiovascular disease or cardiac condition to the extent that your functional limitations are classified as class III or IV under standards accepted by the American Heart Association;

(g) Have a disability resulting from an acute sensitivity to automobile emissions which limits or impairs your ability to walk. Your personal physician as described in WAC 308-96B-010(4) must document that your disability is comparable in severity to the others listed in this subsection; or

(h) Is legally blind and has limited mobility.

The medical declaration is required on all original applications for permanent and temporary disability privileges and

for permanent disability privileges that have been expired more than thirty days. A declaration is not required for renewal of existing Washington privileges for an individual with disabilities.

(2) How do I apply for an individual with disabilities parking privilege? You must complete and sign your portion of the application. Once the licensed physician portion of the application is completed, you submit it to most vehicle licensing offices or the department as noted on the application.

(3) Who may sign the application for an individual with disabilities who is unable to sign or is a minor? An authorized representative of the individual with disabilities may sign the application. The application must be accompanied by a copy of one of the following:

- (a) A power of attorney;
- (b) A Washington state court order or certification from the clerk of court confirming the court's action; or
- (c) A declaration under penalty of perjury explaining why the applicant is unable to sign and explaining the signing person's association with the applicant. Example: Signature, Jane Doe, daughter.

(4) When is the individual with disabilities parking privilege no longer valid?

- (a) The plates expire;
- (b) The privilege expires;
- (c) Upon death of the individual with disabilities;
- (d) If the disability no longer exists;
- (e) The special license plates have been canceled by department administrative action;
- (f) If the privilege was issued in error; or
- (g) If the individual with disability is no longer shown on the department's record as being a registered owner of the vehicle.

(5) What do I receive when my application is approved for an individual with disabilities parking privilege? An individual with disabilities identification card and:

- (a) If you have a temporary disability, you will receive one temporary placard;
- (b) If you have a permanent disability, you receive up to two privileges. You may choose to receive:
 - (i) Up to two permanent placards; or
 - (ii) One permanent placard and one set of individual with disabilities license plates or individual with disabilities year tab. The year tab may only be displayed on qualifying plates. The individual with disabilities must be a registered owner of the vehicle to receive these plates or tab.

(6) When can the individual with disabilities parking privileges be used? When transporting the person to whom the plate or placard is issued.

(7) Why is the individual with disabilities identification card issued? The identification card is issued to identify the individual with disabilities and to ensure that only those who qualify use the parking privilege. The identification card must be available for law enforcement or parking enforcement officials.

If you have just applied for and not yet received an individual with disabilities identification card, show the receipt you received at the time of application.

(8) How do I display the individual with disabilities parking placard?

- (a) The placard is hung from the rearview mirror post; or
- (b) The placard may be placed on the dashboard, (in the absence of the rearview mirror post).

The entire placard must be visible through the vehicle windshield.

(9) How long is the individuals with disabilities parking privilege valid?

- (a) Temporary privileges are valid for up to six months from the date of issuance by the department.

(b) Permanent privileges are issued for five years and expire on the last day of the month of issuance. The expiration date can be located on the identification card or as marked on the placard. For example: If your expiration date is May 2008, your privilege will expire on May 31, 2008.

Note: License plates carry the expiration date of your vehicle registration and must be renewed annually.

(10) How do I renew or extend my individual with disabilities parking privilege?

(a) You cannot renew a temporary privilege. If your condition continues beyond the expiration date, you can obtain a new temporary individual with disabilities parking placard and identification card by submitting a new application completed and certified by a licensed physician or ARNP.

(b) You can renew a permanent privilege. The department will mail you a renewal notice before your privilege expires. Submit the completed renewal notice or a new application to most vehicle licensing offices to renew. You will receive your new parking placard(s) and new identification card through the mail.

(c) If permanent privilege has been expired more than thirty days you must submit a new application completed and certified by a licensed physician or ARNP.

(11) What if the individual with disabilities parking placard or identification card is lost, mutilated, destroyed, or stolen? To replace your individual with disabilities parking placard or identification card, complete and sign a statement explaining what happened to the placard or identification card. A new individual with disabilities parking placard or identification card will be issued, indicating the original expiration date. The placard or identification card being replaced are no longer valid and should be destroyed if located.

(12) What should I do with my placard and identification card when they are no longer valid? When your placard and identification card are no longer valid, they should be destroyed.

Note: If the vehicle has been reported stolen or if the department record indicates the vehicle has been stolen, the same number/letter combination will not be used. This is a law enforcement issue and is for the protection of the public.

NEW SECTION

WAC 308-96B-030 Permanent placard and individual with disabilities special license plates for organizations. (1) When can a qualifying organization use disabled person license plates or parking placards? Qualifying

organizations may only use disabled parking license plates or parking placards when transporting any person who meets the criteria under RCW 46.16.381(1).

(2) How does an organization qualify for individual with disabled parking license plates and permanent parking placards? The organization must:

(a) Service participants/clients who meet the criteria in RCW 46.16.381(3); and

(b) Report the status of each permanent individual with disabilities parking placard or disabled parking license plate to the department by April 30th each year.

(3) How does a qualifying organization apply for disabled parking license plates and placards? The organization must submit a completed individual with disabilities parking privileges organization application with appropriate documentation as indicated on the application.

(4) When can a qualifying organization use disabled parking license plates or placards? Qualifying organizations can only use disabled parking license plates or placards when transporting persons who meet the criteria for an individual with disabilities.

(5) What can a qualifying organization receive when approved for parking privileges?

(a) Disabled parking license plates can be issued for vehicles registered to the organization, which regularly transport persons who have qualified or would qualify for this parking privilege; or

(b) Parking placard(s) can be used only when the vehicle in which they are displayed is transporting persons who have or would qualify for the disabled parking privilege.

An organization may receive up to ninety-nine placards, or disabled parking license plates can be issued to vehicles licensed in the name of the organization if used primarily for transporting persons who have or would qualify for the parking privileges. The department may approve exceptions.

(6) Where does a qualifying organization obtain individual with disabilities parking placard(s) or disabled parking license plates? A qualifying organization can obtain disabled parking placard(s) and disabled parking license plates at most Washington vehicle licensing offices.

(7) Is a qualifying organization issued an identification card? No.

(8) When do the disabled parking license plates or placard(s) for organizations expire? The parking placard(s) expires five years from the date of issuance, on the last day of the month specified on the placard. Example: If the placard is marked to expire in May 2008, it expires May 31, 2008.

Note: License plates also carry the expiration of your vehicle registration and must be renewed annually.

(9) When are the disabled parking license plates and/or placard(s) no longer valid? The individual with disabled parking license plates are no longer valid when:

(a) The plates/placard(s) expire;

(b) The privilege expires;

(c) The vehicle is no longer being used for the purpose of transporting individuals with disabilities;

(d) The disabled parking license plates/placard(s) have been canceled by department administrative action;

(e) The organization no longer qualifies;

(f) The organization's business license is canceled or expires;

(g) If the privilege was issued in error; or

(h) If the organization fails to return the annual report by April 30th.

(10) How does an organization replace placards or disabled parking license plates if they become lost, mutilated, destroyed, or stolen? The organization must complete and sign a statement explaining what happened to the placards or plates and pay replacement fees. Replacement permanent parking placards or disabled parking license plates will be issued indicating the original expiration date. This voids the previously issued permanent placards or plates.

Note: If the license plate has been reported as stolen or if the department record indicates the vehicle has been stolen, the same number/letter combination will not be issued. This is a law enforcement issue and is for the protection of the public.

(11) How does an organization renew its permanent disabled parking placard(s)? The department will send a renewal notice to the organization before the privilege expires. The organization must submit the completed and signed renewal notice or a new application. Upon approval of the completed and signed renewal notice or application, the department will issue new placards.

(12) Does an organization qualify for disabled parking license plate tabs? No.

WSR 06-19-109

PERMANENT RULES

DEPARTMENT OF HEALTH

(Board of Hearing and Speech)

[Filed September 20, 2006, 9:54 a.m., effective October 21, 2006]

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

Purpose: This rule clarifies the definition of "board approved institution of higher learning" to reflect the current accrediting body and also addresses the newly established Au.D. degree that encompasses the required postgraduate work experience. The rule also clarifies the interim permit and postgraduate professional work experience requirements. WAC 246-828-04503 and 246-828-04505 were split out and renumbered and do not impose any new restrictions on licensees.

Citation of Existing Rules Affected by this Order: Amending WAC 246-828-025, 246-828-045, and 246-828-075.

Statutory Authority for Adoption: RCW 18.35.161.

Adopted under notice filed as WSR 06-14-094 on July 5, 2006.

A final cost-benefit analysis is available by contacting Leann Yount, P.O. Box 47869, Olympia, WA 98504-7869, phone (360) 236-4856, fax (360) 236-4918, e-mail leann.yount@doh.wa.gov.

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 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 3, 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 3, Repealed 0.

Date Adopted: August 11, 2006.

Laurie Anderson, Chair
Board of Hearing and Speech

AMENDATORY SECTION (Amending WSR 98-13-109, filed 6/17/98, effective 7/18/98)

WAC 246-828-025 Definitions. (1) "Board-approved institution of higher education" means an institution offering a ~~((Washington higher education coordinating board accredited))~~ program in audiology or speech-language pathology leading to a master's degree, or its equivalent, or a doctorate degree or its equivalent, that has been accredited by the council on academic accreditation in audiology and speech-language pathology, or an equivalent program ~~((as determined by the board))~~.

(2) "Postgraduate professional work experience" means a supervised full-time professional experience, or the part-time equivalent, as defined in these rules, involving direct patient/client contact, consultations, record keeping, and administrative duties relevant to a bona fide program of clinical work.

(a) "Full-time professional experience" means ~~((a minimum of))~~ at least 30 hours per week over 36 weeks. Postgraduate professional work experience ~~((cannot))~~ must be obtained ~~((in fewer than))~~ over a period of at least 36 weeks.

(b) "Part-time equivalent" means any of the following:

- (i) 15-19 hours per week over 72 weeks;
- (ii) 20-24 hours per week over 60 weeks;
- (iii) 25-29 hours per week over 48 weeks.

~~((e) Professional experience of fewer than 15 hours per week cannot be counted toward postgraduate professional work experience.))~~ (3) Applicants who obtain an Au.D. at a board approved institution of higher education are considered to have met the postgraduate professional work experience requirement.

AMENDATORY SECTION (Amending WSR 04-02-068, filed 1/7/04, effective 2/7/04)

WAC 246-828-045 Interim permit. ~~((Interim permit requirements.))~~

(1) The department ~~((will))~~ shall issue an interim permit to any applicant who has shown to the satisfaction of the department that the applicant:

(a) Has completed the academic course work and clinical practicum as required in RCW 18.35.040.

(b) Is supervised by a speech-language pathologist or audiologist licensed under chapter 18.35 RCW, in good standing for at least two years unless otherwise approved by the board.

~~((b))~~ (c) Has paid the application and permit fee.

~~((e) Has not committed unprofessional conduct as specified by the Uniform Disciplinary Act or chapter 18.35 RCW.))~~

(2) ~~((The provisions of))~~ RCW 18.35.030, 18.35.110, 18.35.120 apply to interim permit holders. ~~((A person issued))~~ An audiology interim permit holder may engage in the fitting and dispensing of hearing instruments.

(3) The interim permit ~~((shall))~~ must contain the name and title of the supervisor licensed under chapter 18.35 RCW.

(4) A licensed audiologist or speech-language pathologist under chapter 18.35 RCW may supervise up to four interim permit holders concurrently.

~~((Interim permit period.~~

~~(4) The interim permit period is divided into three equal segments. The supervisor must complete a minimum of:~~

~~(a) At least thirty-six supervisory activities spaced uniformly throughout the year.~~

~~(b) At least eighteen on-site observations (one hour equals one on-site observation). At least six on-site observations must be accrued during each segment (up to six hours may be accrued in one day).~~

~~(c) Eighteen other monitoring activities, at least six per segment.~~

~~(d) Upon the completion of each segment the supervisor must submit documentation of completion to the department on a form provided by the department.~~

~~(e) A review of all purchase agreements in the fitting and dispensing of hearing instruments prior to signing. All purchase agreements must be signed by the supervisor.~~

~~(5) The interim permit is valid for one year or for the duration of the postgraduate experience. The interim permit expires one year from the date it is issued. The board may extend the permit an additional six months.~~

~~Supervisor delegation.~~

~~(6) Portions of the supervisory activities including the supervision in hearing instrument fitting and dispensing may be obtained in another facility and may be under the supervision of another licensed speech-language pathologist or audiologist as delegated by the supervisor of record.~~

~~(a) The audiologist supervisor of record may delegate the supervision of hearing instrument fitting and dispensing to a licensed hearing instrument fitter/dispenser who has been licensed in good standing for at least two years.~~

~~(b) Delegation of the responsibility of supervision must be approved by the department.~~

~~(7) The department may approve transfer of a permit holder to another eligible supervisor upon the written request of either the supervisor or the permit holder.~~

~~(8) The permit holder must immediately report the termination of the supervisor to the department in writing, by certified mail.~~

~~(9) The supervisor of a permit holder who desires to terminate the responsibility as supervisor must immediately notify the department in writing, by certified mail, of the termination. The supervisor is responsible for the permit holder~~

until the notification of termination to the department is deposited in the United States mail:))

NEW SECTION

WAC 246-828-04503 Postgraduate professional work experience. (1) The interim permit period must consist of at least thirty-six weeks of full-time postgraduate professional work experience or its part-time equivalent.

(a) Postgraduate professional work experience of less than fifteen hours per week does not meet the requirement and may not be counted toward the postgraduate professional work experience. Experience of more than thirty hours per week may not be used to shorten the postgraduate professional work experience to less than thirty-six weeks.

(b) The supervisor must submit to the department, on a form provided by the department, documentation of supervision and progress during the postgraduate professional work experience, at the end of each three-month period.

(2) The supervisor must cosign all purchase agreements in the fitting and dispensing of hearing instruments.

(3) The interim permit expires one year from the date it is issued. The board may extend the interim permit an additional twenty-four months to accommodate part-time postgraduate professional work experience or upon request of the interim permit holder due to illness or extenuating circumstances.

NEW SECTION

WAC 246-828-04505 Supervisor delegation. (1) The supervisor may delegate portions of the supervisory activities to another qualified supervisor of the same discipline in another facility. Before delegating supervision responsibility the supervisor must seek department approval.

(2) The department may approve transfer of an interim permit holder to another eligible supervisor upon the written request of either the supervisor or the interim permit holder.

(3) The interim permit holder must immediately report the termination of the supervisor to the department in writing. The interim permit holder may only resume practice after the supervisor is approved by the department.

(4) The supervisor of an interim permit holder who desires to terminate the responsibility as supervisor must immediately notify the department in writing of the termination. The supervisor is responsible for the interim permit holder until the notification of termination is received by the department.

AMENDATORY SECTION (Amending WSR 04-02-068, filed 1/7/04, effective 2/7/04)

WAC 246-828-075 ((Student supervisors—Scope and definitions:)) Supervisors of students. (1) Students enrolled in ((an accredited education or training)) a board approved program may perform the duties of a hearing instrument fitter/dispenser, audiologist or speech-language pathologist in the course of their training ((if)) under ((the)) appropriate supervision ((of a Washington state licensed hearing instrument fitter/dispenser or audiologist)).

~~((1) Supervision means the licensee is physically present on the premises at all times.~~

~~(a) Supervision includes the personal and direct involvement of the supervisor. The supervisor must:~~

~~(i) Directly observe diagnostic and therapeutic procedures; and~~

~~(ii) Cosign all purchase agreements for the sale of hearing instruments.~~

~~(b) A licensed audiologist or speech language pathologist under chapter 18.35 RCW may not assume the responsibility for more than one permit holder.~~

~~(c) The supervisor is responsible for all acts of the permit holder in connection with audiology or speech language pathology services through the duration of the permit. The supervisor shall execute and submit to the department acknowledgment of responsibility for all acts of the permit holder in connection with audiology or speech language pathology services.~~

~~(2) An accredited education or training program means any course of study in the field of fitting and dispensing hearing instruments that is offered by a school or program recognized by the state of Washington.~~

~~(3) The student shall at all times wear an identification badge readily visible to the public that identifies him or her as a student.) (a) Speech language pathology students must be supervised by a speech language pathologist licensed under chapter 18.35 RCW, in good standing for at least two years.~~

~~(b) Audiology students must be supervised by an audiologist licensed under chapter 18.35 RCW, in good standing for at least two years.~~

~~(c) Hearing instrument fitter and dispenser students must be supervised by either a hearing instrument fitter/dispenser or a licensed audiologist licensed under chapter 18.35 RCW, in good standing for at least two years.~~

~~(2) Students may perform only those activities that are within the scope of the profession as defined by the training program in which they are enrolled.~~

~~(3) The student shall at all times wear an identification badge readily visible to the public that identifies him or her as a student.~~

~~(4) The licensee who is supervising hearing instrument fitting and dispensing students must be physically present on the premises at all times. The supervisor must cosign all purchase agreements for the sale of hearing instruments.~~

~~(5) The licensee who is supervising speech language pathology or audiology students may include simultaneous observations with the student or the submission of written reports or summaries by the student for supervisor monitoring, review and approval. At least fifty percent of each student's time in each diagnostic evaluation, including screening and identification, must be observed directly by a supervisor. The observations may take place on site or by closed-circuit television.~~