

**WSR 19-13-035**  
**WITHDRAWAL OF PROPOSED RULES**  
**LIQUOR AND CANNABIS**  
**BOARD**

[Filed June 12, 2019, 11:35 a.m.]

Consistent with RCW 34.05.335 and WAC 1-21-060, the liquor and cannabis board is withdrawing proposed rule making (CR-102), filed on November 28, 2018, as WSR 18-24-031, concerning proposed revisions to vapor product rules contained in chapter 314-35 WAC.

Jane Rushford  
Chair

**WSR 19-13-039**  
**PROPOSED RULES**  
**LIQUOR AND CANNABIS**  
**BOARD**

[Filed June 12, 2019, 12:17 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 19-03-168.

Title of Rule and Other Identifying Information: WAC 314-11-025 What are the forms of acceptable identification?

Hearing Location(s): On August 7, 2019, at 10:00 a.m., at 1025 Union Avenue, Olympia, WA 98504.

Date of Intended Adoption: On or after August 21, 2019.

Submit Written Comments to: Janette Benham, P.O. Box 43080, Olympia, WA 98504, email rules@lcb.wa.gov, fax 360-664-9689, by August 7, 2019.

Assistance for Persons with Disabilities: Contact Claris Nnanabu, Americans with Disabilities Act Coordinator, Human Resources, phone 360-664-1642, fax 360-664-9689, TTY 711 or 1-800-833-6388, email Claris.Nnanabu@lcb.wa.gov, by July 31, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The revised rule will allow consideration of tribal enrollment cards from federally recognized Indian tribes located outside of Washington as acceptable forms of identification to verify a person's age for the purpose of selling, serving, or allowing a person to possess or consume alcohol. Revisions to the rule add the process for consideration of tribal enrollment cards and make other clarifying and technical changes.

Reasons Supporting Proposal: The proposed rule changes clarify the acceptable forms of identification, what is required on the identification, update language, and provide clear guidance on requirements and processes.

Statutory Authority for Adoption: RCW 66.08.030 and chapter 66.44 RCW.

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

Name of Proponent: Washington state liquor and cannabis board, governmental.

Name of Agency Personnel Responsible for Drafting: Janette Benham, Rules Coordinator, 3000 Pacific Avenue S.E., Olympia, WA, after July 1, 2019, 1025 Union Avenue,

Olympia, WA, 360-664-1760; Implementation: Becky Smith, Licensing Director, 3000 Pacific Avenue S.E., Olympia, WA, after July 1, 2019, 1025 Union Avenue, Olympia, WA, 360-664-1615; and Enforcement Justin Nordhorn, Enforcement Chief, 3000 Pacific Avenue S.E., Olympia, WA, after July 1, 2019, 1025 Union Avenue, Olympia, WA, 360-664-1726.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. A cost-benefit analysis is not required because the subject of proposed rule making does not qualify as a significant legislative rule or other rule requiring a cost-benefit analysis under RCW 34.05.328(5).

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. There are no costs or reporting requirements associated with this rule. The proposed rule allows consideration of tribal enrollment cards from federally recognized tribes located outside of Washington as acceptable forms of identification. The proposed rule also provides clarifying and technical updates. The proposed rule does not impose any additional requirements or costs on licensees or other businesses.

June 12, 2019  
Jane Rushford  
Chair

AMENDATORY SECTION (Amending WSR 18-08-094, filed 4/4/18, effective 5/5/18)

**WAC 314-11-025 What are the ((forms of)) acceptable forms of identification?** (1) ((Following are the)) Acceptable forms of identification ((that are acceptable)) to verify a person's age for the purpose of selling, serving, or allowing a person to possess or consume alcohol must include:

(a) The identification holder's photo;  
 (b) The identification holder's date of birth; and  
 (c) The identification holder's signature, except on federally issued identification where a visible signature is not required.

(2) If the identification has an expiration date, it cannot be used to verify age after the expiration date.

(3) Acceptable forms of identification include:

(a) A driver's license, instruction permit, or identification card of any state, ((or)) province of Canada, ((from a)) U.S. territory, or the District of Columbia, or an "identocard" issued by the Washington state department of licensing per RCW 46.20.117;

(b) A United States armed forces identification card issued to active duty, reserve, and retired personnel and the personnel's dependents ((, which may include an embedded digital signature in lieu of a visible signature));

(c) A passport, passport card, or NEXUS card;

(d) A Merchant Marine identification card issued by the United States Coast Guard; ((and)) or

(e) An enrollment card issued by the governing authority of a federally recognized Indian tribe ((located in Washington)), if the enrollment card incorporates reasonable security

features (~~(comparable)~~) sufficient to deter counterfeiting, which may include features similar to those ((implemented)) used by the department of licensing for standard Washington driver's licenses.

~~((2) If the identification document has an expiration date, a person may not use the document after the expiration date to verify his or her age.))~~

(i) An enrollment card must be approved by the board's enforcement division prior to use as an acceptable form of identification. The tribe may request approval by submitting the following for review and inspection:

(A) A letter requesting approval and describing the security features of the enrollment card;

(B) A physical sample of an enrollment card; and

(C) For tribes located outside of Washington, a contact phone number where enforcement officers may call at any time to verify the validity of the enrollment card.

(ii) After review and inspection, the board's designee will send a letter approving or denying the enrollment card as an acceptable form of identification.

(iii) The board may rescind approval if the enrollment card no longer meets the requirements of this section.

**WSR 19-13-040**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**

[Filed June 12, 2019, 12:19 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 16-24-085.

Title of Rule and Other Identifying Information: WAC 308-96A-074 Collector vehicle and restored license plates.

Hearing Location(s): On Wednesday, July 24, 2019, at 10:00 a.m., at the Highways-Licenses Building, Conference Room 413, 1125 Washington Street S.E., Olympia, WA 98507. Check-in at the first floor reception desk.

Date of Intended Adoption: July 25, 2019.

Submit Written Comments to: George Price, Department of Licensing, P.O. Box 9030, Olympia, WA 98507-9030, email gprice@dol.wa.gov, fax 360-570-7827, by July 23, 2019.

Assistance for Persons with Disabilities: Contact George Price, phone 360-902-0120, fax 360-570-7827, email gprice@dol.wa.gov, by July 23, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To align our rules with current policies and procedures and make technical corrections.

Reasons Supporting Proposal: A constituent submitted a petition for rule-making changes to the department in December 2018 to clarify existing language and make technical corrections.

Statutory Authority for Adoption: RCW 46.01.110, 46.18.020.

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

Name of Proponent: Department of licensing, governmental.

Name of Agency Personnel Responsible for Drafting: Kyle Strozyk, 1125 Washington Street S.E., Olympia, WA 98507, 360-902-3979; Implementation and Enforcement: George Price, 1125 Washington Street S.E., Olympia, WA 98507, 360-902-0120.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The changes to this rule add no additional costs to stakeholders.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

June 12, 2019  
Damon Monroe  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 15-10-005, filed 4/22/15, effective 5/23/15)

**WAC 308-96A-074 Collector vehicle and restored license plates.** (1) **What is a collector vehicle license plate?** For the purposes of this section, a collector vehicle license plate is a special license plate indicating "Collector Vehicle." The smaller size collector vehicle license plate is available for motorcycles and travel trailers. Collector vehicle owners must conform to the rules under RCW 46.18.220.

~~(2) ((What vehicles qualify for a collector vehicle license plate? Any motor vehicle which is:~~

~~(a) At least thirty years old; and~~

~~(b) Capable of being operated upon the highway; and~~

~~(c) Currently registered in Washington; and~~

~~(d) Operated primarily as a collector vehicle.~~

~~(3) **How is a collector vehicle license plate to be displayed?** The collector vehicle license plate must be displayed on the rear of the vehicle for which it was issued. The collector vehicle license plate is not transferable to any other motor vehicle, but may stay with that vehicle upon transfer of ownership.~~

~~(4)) **What ((additional)) fees are required to obtain a collector vehicle license plate?** In addition to all other license fees required by law, the applicant must pay an additional ((license)) fee of thirty-five dollars ((for this collector vehicle license plate)).~~

~~((5)) (3) **What is a "restored license plate"?** A restored license plate is a Washington state issued license plate designated for general use in the year of the vehicle's manufacture. The restored license plate may not be a specialized license plate. The restored license plate may be used instead of a collector vehicle license plate or horseless carriage license plate. The license plate must be restored to such a condition that it may be identified with ((its year of issue)) the year of the vehicle's manufacture. Reproductions of the original are not acceptable for use as a restored license plate.~~

~~((6)) (4) **How is a restored license plate to be displayed?** The owner must display a single plate on the rear of~~

the vehicle. If the vehicle owner has two identical license plates, the second license plate may be displayed on the front of the vehicle ~~((or on another vehicle))~~.

~~((7))~~ **(5) If I sell my vehicle may I keep my restored license plate?** Yes. The restored plate(s) may be reassigned to another qualifying vehicle.

~~((8))~~ **(6) May I replace my restored license plate with another restored license plate?** Yes, however, your vehicle record must be updated with the department to reflect the new plate number before it ~~((is))~~ may be displayed on the vehicle.

~~((9))~~ **(7) What ~~((additional))~~ fees are required to have a restored license plate assigned to my vehicle?** In addition to all other title and license fees required by law, you must pay an additional ~~((license))~~ fee of thirty-five dollars ~~((for the restored plate to be assigned to your vehicle. At the time a restored plate is assigned to a vehicle, the department will require the certificate of ownership be submitted if that vehicle does not already have a "title purpose only" number))~~.

~~((10))~~ **(8) Will I be able to apply for a refund of fees ~~((I have paid))~~ if I decide to change my restored use plate to a regular issue plate?** No. There is no provision in the law to issue a refund ~~((should you decide to change to a regular issue plate))~~.

~~((11))~~ **(9) May I apply the fees I paid for my restored plate towards the purchase of regular issued plates?** No. Full fees must be paid for the new plates.

**WSR 19-13-073**  
**PROPOSED RULES**  
**BATES TECHNICAL COLLEGE**

[Filed June 17, 2019, 8:29 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 19-10-031.

Title of Rule and Other Identifying Information: Amending chapter 495A-276 WAC to update with current state statutes regarding access to public records at Bates Technical College.

Hearing Location(s): On August 5, 2019, 1:30-3:30 p.m., at the Clyde Hupp Room, Building A, Room A329, Downtown Campus, 1101 South Yakima Avenue, Tacoma, WA 98405-4895.

Date of Intended Adoption: August 14, 2019.

Submit Written Comments to: Dr. Jean Hernandez, 1101 South Yakima Avenue, Room A332, Tacoma, WA 98405-4895, email [jehernandez@batestech.edu](mailto:jehernandez@batestech.edu), fax 253-680-7101, by July 22, 2019.

Assistance for Persons with Disabilities: Contact Dr. Jean Hernandez, phone 253-680-7163, fax 253-680-7101, email [jehernandez@batestech.edu](mailto:jehernandez@batestech.edu), by July 22, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Amending to align with current public records rules and statutes.

Reasons Supporting Proposal: See purpose above.

Statutory Authority for Adoption: RCW 28B.10.140, 42.56.040, chapter 34.05 RCW and 1991 c 238.

Statute Being Implemented: RCW 34.05.250, chapter 28B.50 RCW.

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

Name of Proponent: Bates Technical College, governmental.

Name of Agency Personnel Responsible for Drafting: Dr. Jean Hernandez, Bates Technical College, 253-680-7163; Implementation and Enforcement: Office of the President, Bates Technical College, 253-680-7105.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party; rules are adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of state-wide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule; rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect; and rule content is explicitly and specifically dictated by statute.

June 17, 2019

Dr. Jean Hernandez  
Special Assistant  
to the President

**Chapter 495A-276 WAC**

**~~((ACCESS TO))~~ PUBLIC RECORDS**

AMENDATORY SECTION (Amending WSR 92-12-017, filed 5/26/92, effective 6/26/92)

**WAC 495A-276-010 Purpose.** The purpose of this chapter is to ensure that Bates Technical College, District No. 28, complies with the provisions of chapter 42.17 RCW and in particular with those sections of that chapter dealing with public records.

AMENDATORY SECTION (Amending WSR 92-12-017, filed 5/26/92, effective 6/26/92)

**WAC 495A-276-020 Definitions.** (1) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or

retained by any state or local agency regardless of physical form or characteristics.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds or symbols, combination thereof and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, disks, drums, and other documents.

(3) "Bates Technical College" is an agency organized by statute pursuant to RCW 28B.50.040. Bates Technical College shall hereafter be referred to as the "district." Where appropriate, the term "district" also refers to the staff and employees of the district.

AMENDATORY SECTION (Amending WSR 92-12-017, filed 5/26/92, effective 6/26/92)

**WAC 495A-276-030 Description of central and field organization of Bates Technical College, District No. 28.**

(1) Bates Technical College is a state agency established and organized under the authority of chapter 28B.50 RCW for the purpose of implementing the educational goals established by the legislature in RCW 28B.50.020. The administrative office of the district is located ~~((on))~~ in the downtown campus within the city of Tacoma, Washington. The downtown campus likewise comprises the central headquarters for all operations of the district. Field activities for the south campus ~~((; home and family life center, and business and management center branches))~~ and central campus of the district are administered by personnel located at those ~~((branches))~~ campuses in Tacoma, Washington; all other field activities of the district are directed and administered by personnel located on the campus at 1101 South Yakima Avenue, Tacoma, WA 98405.

(2) The district is ~~((operated under the supervision and control of a))~~ governed by the board of trustees. The board of trustees consists of five members appointed by the governor. The board of trustees normally meets at least once each month, as provided in WAC 495A-104-010. The board of trustees employs ~~((a president, an administrative staff, members of the faculty and other employees. The board of trustees takes such actions and promulgates such rules, and policies in harmony with the rules established by the state board for community and technical colleges, as are necessary to the administration and operation of the district.~~

~~((3) The president of the district is responsible to the board of trustees for the operation and administration of the district. A detailed description of the administrative organization of the district is contained within the Policies and Procedures Manual for Bates Technical College, a current copy of which is available for inspection at the administrative office of the district))~~ and delegates to the president authority for all administrative and operational responsibilities.

AMENDATORY SECTION (Amending WSR 92-12-017, filed 5/26/92, effective 6/26/92)

**WAC 495A-276-040 Operations and procedures.** (1) ~~((Formal decision-making procedures))~~ Board policies are established by the board of trustees through rules promul-

gated in accordance with the requirements of chapter 34.05 RCW, the Administrative Procedure Act.

~~((2) ((Informal decision-making procedures at the college, as established by the board of trustees, are set forth in the Policies and Procedures Manual of Bates Technical College, a current copy of which is available for inspection at the administrative office of the district.))~~ College policies are established by the president to address all administrative and operational activities.

AMENDATORY SECTION (Amending WSR 92-12-017, filed 5/26/92, effective 6/26/92)

**WAC 495A-276-050 Public records available.** All public records of the district, as defined in this chapter, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310 or other statutes.

(1) Records may be reviewed in person at the district office during regular office hours at no charge. Fees for providing copies of records may apply, in accordance with WAC 495A-276-090.

(2) Requestors seeking to review records in person are asked to contact the public records officer by email, phone or by mail to schedule an appointment. Contact information for the public records officer is as follows:

Public Records Officer  
Bates Technical College  
1101 South Yakima Avenue  
Tacoma, WA 98405  
pr@batestech.edu  
253-680-7174

(3) The regular business hours of the public records office are from 7:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays and college closures.

AMENDATORY SECTION (Amending WSR 92-12-017, filed 5/26/92, effective 6/26/92)

**WAC 495A-276-060 Public records officer.** The district's public records shall be in the charge of the public records officer designated by the ~~((chief administrative officer))~~ president of the district. The person so designated shall be located in the district administrative office. The public records officer shall be responsible for the following: Implementation of the district's rules regarding release of public records, coordinating district employees in this regard, and generally ensuring compliance by district employees with the public records disclosure requirements in chapter 42.17 RCW.

AMENDATORY SECTION (Amending WSR 92-12-017, filed 5/26/92, effective 6/26/92)

**WAC 495A-276-080 Requests for public records.** ~~((In accordance with the requirements of RCW 42.17.290 that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records are only obtainable by members of the public~~

when those members of the public comply with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the district which shall be available at the district administrative office. The form shall be presented to the public records officer or, if the public records officer is not available, to any member of the district's staff at the district administrative office during customary office hours. The request shall include the following information:

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request was made;
- (c) The nature of the request;
- (d) If the matter requested is referenced within the current index maintained by the public records officer, a reference to the requested record as it is described in such current index;

(e) If the requested matter is not identifiable by reference to the current index, an appropriate description of the record requested.) (1) The public records officer or designee will provide assistance to any member of the public requesting to inspect the records of the district. However, a person seeking records must make a specific request for identifiable records and must clearly state that the inquiry is a public records request.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer((;)) or person to whom the request is made((;)) to assist the member of the public in succinctly identifying the public record requested.

(3) The public records officer or designee will take action on a request for public records in a timely manner. In accordance with RCW 42.56.520, the requestor will receive a response within five days of receipt of the request by the district. If the request cannot be completed within five days, the public records officer will provide a reasonable time estimate for a complete response to the request. If the request is particularly large or complex, resulting in a large number of responsive documents or requiring significant redaction, the public records officer and the requestor may enter into an agreement by which the records are made available in installments at specific intervals.

(4) If the requestor fails to respond within fifteen days to a request from the public records officer for clarification of all or part of the public records request, the request or part of the request requiring clarification will be considered withdrawn and no further action will be taken.

(5) The requestor must claim or review the assembled records within thirty days of receiving notification that the records are available for inspection or copying. If the requestor or a representative of the requestor fails to claim or review the records within the thirty-day period or make other arrangements, the district will close the request and refile the assembled records.

AMENDATORY SECTION (Amending WSR 92-12-017, filed 5/26/92, effective 6/26/92)

**WAC 495A-276-090 Copying fees—Payments.** ((No fee shall be charged for the inspection of public records. The

district may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records and such charges shall not exceed the amount necessary to reimburse the district for its actual costs incident to such copying. No person shall be released a record so copied until and unless the person requesting the copied public record has tendered payment for such copying to the appropriate district official. All charges must be paid by money order, cashier's check, or cash in advance.)) (1) In accordance with RCW 42.56.070(7) and 42.56.120, the district may charge fees for providing copies of public records. The district has determined that calculating the actual costs for providing copies would be unduly burdensome. The determination is based on the large number of factors involved in calculating the actual cost and the frequency with which these factors change. Therefore, the district adopts the schedule of fees provided in RCW 42.56.120 (2).

(2) No fee shall be charged for the inspection of public records; however, in some cases the district will charge a fee for providing copies of public records. These fees are summarized in the fee schedule available on the district's web site at [www.batestech.edu](http://www.batestech.edu).

(a) The district may impose a customized service charge to cover its costs if the request requires the use of information technology or computer-related expertise to prepare data compilations or if such customized access services are not used by the agency for other business purposes.

(b) The district may require a ten percent deposit in advance if the fee for producing copies of responsive records will exceed one hundred dollars.

(c) All fees must be paid by credit or debit card, money order, cashier's check, or cash in advance of receiving the public records.

(d) The charge above may be combined to the extent that more than one type of charge applies to copies produced in response to a particular request.

(e) Upon request, the district will provide a summary of the applicable charges before any copies are made and the requestor may revise the request to reduce the number of copies to be made and reduce the applicable charge.

(3) If the requestor fails to pay fees incurred for copying by the specified payment date, the district will close the request. In such a case, the requestor will receive notification at least ten business days in advance that the request will be closed for nonpayment.

AMENDATORY SECTION (Amending WSR 92-12-017, filed 5/26/92, effective 6/26/92)

**WAC 495A-276-100 Determination regarding exempt records.** (1) The district reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 495A-276-080 is exempt pursuant to the provisions set forth in RCW 42.17.310 or other statute. ((Such determination may be made in consultation with the public records officer, president of the college district, or an assistant attorney general assigned to the district.))

(2) Pursuant to RCW 42.17.260, the district reserves the right to ((delete)) redact identifying details when it makes

available or publishes any public record when there is reason to believe that disclosure of such details would be an unreasonable invasion of personal privacy ((~~or~~)), impair a vital governmental interest(~~(- Provided, however, In each case, the justification for the deletion shall be explained fully in writing)~~), or other applicable statutes.

~~(3) ((Response to requests for a public record must be made promptly. For the purposes of this section, a prompt response occurs if the person requesting the public record is notified within two business days as to whether his request for a public record will be honored.~~

~~(4)) All denials of requests for public records must be accompanied by a written statement, signed by the public records officer or ((his/her)) designee, specifying the reason for the denial, a statement of the specific exemption authorizing the withholding of the record, and a brief explanation of how the exemption applies to the public record withheld.~~

AMENDATORY SECTION (Amending WSR 92-12-017, filed 5/26/92, effective 6/26/92)

**WAC 495A-276-110 Review of denials of public records requests.** (1) Any person who objects to the denial of a request for a public record may petition for ((prompt)) review of such decision by tendering a written request for review to the public records officer within ten business days. The written request shall specifically refer to the written statement which constituted or accompanied the denial.

~~(2) ((The written request by a person demanding prompt review of a decision denying a public record shall be submitted to the president of the district, or his or her designee.~~

~~(3) Within two business days after receiving the written request by a person petitioning for a prompt review of a decision denying a public record, the president of the district, or his or her designee, shall complete such review.~~

~~(4)) After receiving a written request for review of a decision denying a public record, the public records officer or designee shall refer the request for review to the president of the college. The president or designee shall consider the matter and either affirm or reverse such denial. All requests shall receive a final decision within five business days following receipt of the appeal by the district. The time for review of the denial may be extended by mutual agreement of the district and the requestor.~~

~~(3) During the course of the review the president or ((his or her)) designee shall consider the obligations of the district to comply with the intent of chapter 42.17 RCW ((insofar as it requires providing full public access to official records, but shall also consider the)) and exemptions provided in RCW 42.17.310 or other pertinent statutes(~~(, and the provisions of the statute which require the district to protect public records from damage or disorganization, prevent excessive interference with essential functions of the agency, and prevent any unreasonable invasion of personal privacy by deleting identifying details)~~).~~

AMENDATORY SECTION (Amending WSR 92-12-017, filed 5/26/92, effective 6/26/92)

**WAC 495A-276-130 Records index.** (1) The district has available for the use of all persons a current index which provides identifying information as to the following records issued, adopted, or promulgated by the district after September 1, 1991, subject to the limits of the college's retention schedule:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) Those statements of policy and interpretations of policy, statute and the constitution which have been adopted by the agency;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals(~~(s)~~) and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and

(f) Correspondence(~~(s)~~) and materials referred to ((therein, by and with the agency)) in this chapter relating to any regulatory, supervisory, or enforcement responsibilities of the agency(~~(, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party))~~).

(2) The current index maintained by the district shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

#### NEW SECTION

#### **WAC 495A-276-150 Notification of affected persons.**

If the requested record is not exempt from release and contains information which could identify an individual or agency, the district may notify the individual or agency thus identified that release of the record has been requested. In such cases, the district's initial response to the request will allow a reasonable time for the identified individual or agency to seek court protection from release of the record.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 495A-276-070 Office hours.

WAC 495A-276-120 Protection of public records.

WAC 495A-276-140 Adoption of form.

**WSR 19-13-075**  
**PROPOSED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed June 17, 2019, 11:24 a.m.]

June 17, 2019  
Chris P. S. Reykdal  
State Superintendent  
of Public Instruction

Original Notice.

Preproposal statement of inquiry was filed as WSR 19-07-079.

Title of Rule and Other Identifying Information: Child sexual abuse prevention in K-12 schools.

Hearing Location(s): On July 25, 2019, at 1:00 p.m., at the Office of Superintendent of Public Instruction (OSPI), 600 Washington Street S.E., Brouillet Room, 4th Floor, Olympia, WA 98501. Those planning to comment should arrive in the meeting room by 1:00 p.m.

Date of Intended Adoption: July 29, 2019.

Submit Written Comments to: Andrea Wessel, P.O. Box 47200, Olympia, WA 98504, email [andrea.wessel@k12.wa.us](mailto:andrea.wessel@k12.wa.us), by July 25, 2019.

Assistance for Persons with Disabilities: Contact Kristin Murphy, phone 360-725-6133, fax 360-754-4201, TTY 360-664-3631, email [Kristin.murphy@k12.wa.us](mailto:Kristin.murphy@k12.wa.us).

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: HB [SHB] 1539 (2018) (Erin's Law) authorizes OSPI to collect and disseminate to school districts information on and curricula for the coordinated program for the prevention of sexual abuse of K-12 students, child abuse, and neglect established in RCW 28A.300.160. The purpose of this rule-making proposal is to adopt rules addressing the prevention of sexual abuse of students in K-12 and child abuse for purposes of curricula used in public schools.

Reasons Supporting Proposal: The proposed rule will provide a more uniform and consistent process for K[-]12 schools to help protect children from child abuse in Washington state.

Statutory Authority for Adoption: RCW 28A.300.150.

Statute Being Implemented: RCW 28A.300.150.

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

Name of Agency Personnel Responsible for Drafting and Implementation: Andrea Wessel, OSPI, 600 Washington Street S.E., [Olympia,] WA 98504, 360-725-6368.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.030.

Explanation of exemptions: No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendment does not have an impact on small business and therefore does not meet the requirements for a statement under RCW 19.85.030 (1) or (2).

NEW SECTION

**WAC 392-410-150 Sexual abuse prevention curricula.** (1) **Authority and purpose.** The authority for this chapter is RCW 28A.300.150, which requires the superintendent of public instruction to adopt rules addressing the prevention of sexual abuse of students in kindergarten through twelfth grade and child abuse for purposes of curricula used in public schools. The purpose of this chapter is to address the prevention of child sexual abuse of students in kindergarten through twelfth grade for purposes of curricula used in public schools.

(2) **Definitions.** As used in this chapter the terms:

(a) "Charter school" means a public school governed by a charter school board and operated according to the terms of a charter contract executed under chapter 28A.710 RCW.

(b) "Child sexual abuse prevention" means the prevention of unwanted conduct of a sexual nature occurring once or repeatedly in youth in kindergarten through twelfth grade. This may include, but is not limited to, the following:

- (i) Sexual abuse;
- (ii) Sexual exploitation;
- (iii) Sexual violence; or
- (iv) Sexual assault.

(c) "Child sexual abuse prevention curriculum" means written instructional materials used with students in kindergarten through twelfth grade for the purpose of child sexual abuse prevention during a unit of study expressly intended for that purpose.

(d) "Parent" has the same meaning as in WAC 392-172A-01125.

(e) "Tribal compact school" means a school that is:

- (i) The subject of a state-tribal education compact that is approved and executed in accordance with this chapter; and
- (ii) Operated according to the terms of a state-tribal education compact.

(3) **Local option.** School districts, charter schools, and tribal compact schools may, at their discretion, implement child abuse prevention curricula in accordance with this chapter.

(4) **Resources.** All school districts, charter schools, or tribal compact schools that implement a child sexual abuse prevention curriculum must review the information, recommendations, and resources disseminated by the office of superintendent of public instruction under RCW 28A.300.-150 before implementing the curriculum.

(5) **Notification.**

(a) **Notice to parents.** School districts, charter schools, and tribal compact schools must, at least one month before teaching a child sexual abuse prevention curriculum in any classroom or other public school venue, provide notice to parents of the planned instruction and that the materials or course of study are available for inspection. Such notification includes all formats of instruction included in the child sexual abuse prevention curriculum including, but not limited to,

written materials, guest speakers, classroom presentations, videos, electronically formatted materials.

(b) **Notice to students.** At least one month before teaching a child sexual abuse prevention curriculum in any classroom or other public school venue, school districts, charter schools, and tribal compact schools must provide notice to students of the planned instruction. The notification must inform students that parents have received notice of the planned instruction pursuant to this section.

(6) **Excusal of students.**

(a) **Written request.** Any parent who wishes to have their child excused from any planned instruction in child sexual abuse prevention may do so upon filing a written request to the school in accordance with school policy. The school must make the appropriate forms available to parents for such requests.

(b) **Excusal of students.** Alternative educational opportunities must be provided to excused students.

(7) **Policies and procedures.** School districts, charter schools, and tribal compact schools that adopt a child sexual abuse curriculum must maintain policies and procedures regarding reporting and responding to child sexual abuse, and provide professional development related to child sexual abuse.

**WSR 19-13-082**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed June 18, 2019, 9:58 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 16-23-142.

Title of Rule and Other Identifying Information: Chapter 296-307 WAC, Safety standards for agriculture, Part I Pesticides, worker protection standard (WPS).

Hearing Location(s): On August 20, 2019, at 1:00 p.m., at the Department of Labor and Industries (L&I), 7273 Linderson Way S.W., Tumwater, WA 98501; on August 21, 2019, at 9:00 a.m., at L&I, 525 East College Way, Suite H, Mount Vernon, WA 98273; on August 22, 2019, at 9:00 a.m., at L&I, 3001 West Broadway Avenue, Moses Lake, WA 98837; and on August 23, 2019, at 9:00 a.m., at L&I, 15 West Yakima Avenue, Suite 100, Yakima, WA 98902.

Date of Intended Adoption: October 22, 2019.

Submit Written Comments to: Josefina Magana, P.O. Box 44620, Olympia, WA 98504-4620, email josefina.magana@lni.wa.gov, fax 360-902-5619, by August 30, 2019.

Assistance for Persons with Disabilities: Contact Josefina Magana, phone 360-902-4233, fax 360-902-5619, email josefina.magana@lni.wa.gov, by July 31, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The Environmental Protection Agency (EPA) has issued new requirements for agricultural employers and handler employers in WPS, 40 C.F.R. Part 170. EPA standards are designed to reduce the

risks of illness or injury resulting from workers' and handlers' occupational exposures to pesticides used in the production of agricultural plants on farms or in nurseries, greenhouses, and forests and also from the accidental exposure of workers and other persons to such pesticides. It requires workplace practices designed to reduce or eliminate exposure to pesticides and establishes procedures for responding to exposure-related emergencies.

RCW 49.17.280 directs the department to adopt rules at least-as-effective-as the federal EPA WPS. As such, the division of occupational safety and health (DOSH) is updating its WPS, chapter 296-307 WAC, Part I (WAC 296-307-107 through 296-307-13055) of chapter 296-307 WAC, Safety standards for agriculture. This proposal aligns the structure of the current WPS with the structure in the updated federal EPA WPS.

L&I and the Washington state department of agriculture (WSDA), as required, have been coordinating adoption of the standards to protect workers from pesticides. The goal is to ensure consistency between these departments in rule implementation and enforcement and to avoid conflict in interpretation and application of the rules.

DOSH rules are identical to the federal WPS and WSDA WPS except in the following areas which are more protective:

- Definition of immediate family.
- Cartridge change-out schedule.
- Enclosed cab respirator.
- Use of most protective personal protective equipment (PPE).
- Eyewashes must provide 0.4 gallons or 1.5 liters per minute for fifteen minutes with single point of operation.
- Heat stress requirements retained.

This rule was reorganized in order to update requirements from EPA, although the following sections are new, requirements were moved from current WPS sections as indicated.

**A summary of the proposed amendments follows:**

**NEW SECTIONS:**

**WAC 296-307-108 General provisions.**

**WAC 296-307-10805 Federal worker protection standards—Washington state department of labor and industries and 296-307-10810 Scope and purpose—40 C.F.R., Sec. 170.301.**

- The proposed rules maintain current worker protections and aligns with federal EPA and WSDA rules.

**WAC 296-307-10815 Applicability—40 C.F.R., Sec. 170.303.**

- This section applies when pesticide product is used in the production of agricultural plants on an agricultural establishment.
- This section does not apply where WPS provides exceptions to label required PPE and restricted-entry intervals (REI).



**WAC 296-307-10820 Definitions—40 C.F.R., Sec. 170.305.**

- This section defines terms used in WPS rules under chapter 296-307 WAC, Part I. New definitions added are: Application exclusion zone, commercial pesticide handler employer, designated representative, employ, enclosed space production, labor contractor, safety data sheet, outdoor production, worker housing area. Clarified definitions are: Agricultural emergency, closed system, enclosed cab, hand labor, handler, and handler employer, PPE. Removed definitions are: Animal premise, greenhouse, nursery, substantial economic loss.
- The term "use" was moved from current WAC 296-307-11015 to this section.
- PPE definition was moved from current WAC 296-307-13045 to this section.

**WAC 296-307-10825 Agricultural employer duties—40 C.F.R., Sec. 170.309.**

- This section requires agricultural employers to provide safety information, including the labor contractors who supervise any workers or handlers, to make sure they receive protections of this part and can comply with it.
- Move requirements from WAC 296-307-11010 to this section and add the following, as required by EPA.
  - Handlers and early entry workers must be eighteen years old.
- Move antidote requirement from WAC 296-307-12055.

**WAC 296-307-10830 Display requirements for pesticide safety information and pesticide application and hazard information—40 C.F.R., Sec. 170.311.**

- This section requires agricultural employers to display safety information in a manner that workers and handlers can understand.
- Move requirements from WAC 296-307-12045 to this section.
- Add a note indicating that "using a phone" could be a route of exposure.

**WAC 296-307-10835 Commercial pesticide handler employer duties—40 C.F.R., Sec. 170.313.**

- This section requires that the commercial pesticide handler employer ensures handlers receive protections of this part and can comply with it.
- Move antidote requirement from WAC 296-307-12055.
- Move requirements from WAC 296-307-12035.
- Add requirements to ensure pesticides are used consistent with pesticide product labeling and requirements of this part.
- Add requirement indicating handlers must be at least eighteen years old.
- Add requirement indicating commercial pesticide handler employer instructs handlers on safe operation of equipment used for mixing, loading, transferring, or applying pesticide.
- Add requirement indicating that when the handler employed by a commercial pesticide handling establishment will be in agricultural establishment they are provided information about specific locations and descriptions of treated areas with restricted entry intervals.

- Add requirement indicating commercial pesticide handler employer must provide the agricultural employer all of the following information before application of any pesticide:
  - Use restrictions or directions on the pesticide product labeling that must be followed for protection of workers, handlers, or other persons.
  - Updates on changes of scheduled application time.
- Add requirement indicating commercial pesticide handler employer must provide emergency assistance after learning of possible poison [poisoning].
- Add a requirement that persons do not clean or repair pesticide equipment, unless trained as a handler.
- Add requirement to provide records when requested by an employee of EPA or any authorized representative of WSDA or L&I.

**WAC 296-307-10840 Prohibited actions—40 C.F.R., Sec. 170.315.**

- This section prohibits the agricultural employer from intimidating, threatening, coercing, or discriminating against any worker or handler for complying with WPS.
- Move all requirements from WAC 296-307-11010 to this section.

**WAC 296-307-10845 Violations of this part—40 C.F.R., Sec. 170.317.**

- This section prohibits the unlawful use of pesticides contrary to label directions.
- Move all requirements from WAC 296-307-11015 to this section.

**WAC 296-307-109 Requirements for protection of agricultural workers.****WAC 296-307-10905 Training requirements for workers—40 C.F.R., Sec. 170.401.**

- This section requires the agricultural employer to train workers every year as opposed to every five years. Additionally, the training program content has been increased.
- Move requirements from WAC 296-307-12040 to this section. Additionally, the following requirements are added:
  - Potential hazards of pesticides to children and pregnant women.
  - Keep children and family members away from pesticide-treated areas.
  - After working in pesticide-treated areas, remove work boots or shoes before entering your home, and remove work clothes and wash or shower before physical contact with children or family members.
  - How to report suspected pesticide use violations.
  - Pesticide applications must be suspended application if a worker or other person is in the application exclusion zone (AEZ).
- Add requirements for training facilities, trainers and training materials which must be approved by EPA.
- Add that workers must be at least eighteen before performing early-entry activities and that children and other family members be kept away from pesticide treated areas.

**WAC 296-307-10910 Establishment-specific information for workers—40 C.F.R., Sec. 170.403.**

- This section requires the agricultural employer to inform workers of the following prior to performing activities in any treated area:
  - The location of pesticide safety information.
  - The location of pesticide application and hazard information.
  - The location of decontamination supplies.
- Move requirements from WAC 296-307-12030 to this section.

**WAC 296-307-10915 Entry restrictions associated with pesticide applications—40 C.F.R., Sec. 170.405.**

- This section requires that the agricultural employer not allow or direct any worker or other person, other than appropriately trained, to enter or remain in treated area or an AEZ until application is complete.
- Move requirements from WAC 296-307-12015 to this section.
- Add a requirement about the employer not allowing or directing any worker or other person to remain or enter in the treated area or AEZ that is within the boundaries of the establishment.
- Add Table 1 which has a summary of outdoor production AEZ.
- Update Table 2, which has a summary of enclosed space production pesticide application.

**WAC 296-307-10920 Worker entry restrictions after pesticide applications—40 C.F.R., Sec. 170.407.**

- This section requires that the agricultural employer not allow workers to enter treated areas before an REI has expired or warning signs have been removed or covered.
- Move requirements from WAC 296-307-12020 to this section.

**WAC 296-307-10925 Oral and posted notification of worker entry restrictions—40 C.F.R., Sec. 170.409.**

- This section requires the agricultural employer to notify workers of all entry restrictions required by WAC 296-307-10915 and 296-307-10920.
- Move requirements from WAC 296-307-12025 to this section. Provides for more specific requirements than in current WPS. Notification changes include an REI-specific notice action that does not exist in current WPS.

**WAC 296-307-10930 Decontamination supplies for workers—40 C.F.R., Sec. 170.411.**

- This section requires that the agricultural employer provide decontamination supplies to workers performing activities where a pesticide is applied.
- Move requirements from WAC 296-307-12050 to this section. This includes:
  - Current requirement regarding decontamination after early entry.

**WAC 296-307-112 Requirements for protection of agricultural pesticide handlers.****WAC 296-307-11205 Training requirements for handlers—40 C.F.R., Sec. 170.501.**

- This section requires that the handler employer ensures the handler has been trained in accordance with this section and within the last twelve months.
- Move requirements from WAC 296-307-13025 to this section. Training cards requirement is removed.
- Add requirements for training facilities, trainers and training materials which must be approved by EPA.
- Add requirement about the trainer indicating they must meet one of the following:
  - Designated as a trainer of certified applicators or pesticide handlers.
  - Have completed a pesticide safety train-the-trainer program approved by a state, federal, or tribal agency.
  - Be currently certified as an applicator of restricted use pesticide.
  - The record must include:
    - The trained handler's printed name and signature.
    - The date of training.
    - Information identifying EPA-approved materials were used.
    - The trainer's name and documentation showing that the trainer met requirements of training.
    - The handler employer's name.
- Add requirements that employers must provide the handler a copy of training information if requested, and that training records must be kept for seven years for each handler.
- Add note from current WAC 296-307-13025 indicating employees be trained in accordance with chapter 296-901 WAC, Globally harmonized system for hazard communication.

**WAC 296-307-11210 Knowledge of labeling, application-specific, and establishment-specific information for handlers.**

- This section requires that the handler employer ensure the handler reads the portions of the label applicable to the safe use of the pesticides before doing handling activities.
- Move requirements from WAC 296-307-13030 to this section.

**WAC 296-307-11215 Requirements during applications to protect handlers, workers, and other persons—40 C.F.R., Sec. 170.505.**

- This section requires that the handler employer ensures that no pesticide is applied so as to contact directly or through drift, any worker or other person.
- Move requirements from WAC 296-307-13010 to this section.
- Add new requirement indicating that the handler must suspend application if any worker or other person is in the AEZ.

**WAC 296-307-11220 Personal protective equipment—40 C.F.R., Sec. 170.507.**

- This section highlights the responsibilities of the employer regarding PPE.

- Move requirements from WAC 296-307-13045 to this section. Specifically leave current WPS requirement regarding two pesticides being applied.
  - If two pesticides are being applied that have different PPE requirements, the employer must provide and ensure the handler or worker uses the most protective PPE or PPE that will protect against both pesticides.
- Add chemical resistant category table for clarification in order to make it clearer for employers to comply.

**WAC 296-307-11225 Decontamination and eye flushing supplies for handlers—40 C.F.R., Sec. 170.509.**

- This section requires that the handler employer provide decontamination and eye flushing supplies in accordance with this section for any handler.
- Move requirements from WAC 296-307-13010 to this section. Keep requirement regarding cartridge replacement to take place at end of shift.
- Keep requirement indicating that when a handler is mixing or loading a pesticide product whose labeling requires protective eyewear, the handler employer must provide, at each mixing and loading station, one plumbed or portable eye wash system that can deliver running water at a rate of at least .4 gallons per minute for at least fifteen minutes.

**WAC 296-307-114 Exemptions, exceptions and equivalency—40 C.F.R., Sec. 170.601.**

**WAC 296-307-11405 Exemptions.**

- This section highlights exceptions for owners of agricultural establishments.
- Move requirements from WAC 296-307-12010 to this section.
- Add a requirement that certified crop advisors may make their own determination for the appropriate PPE for entry into treated area.

**WAC 296-307-11410 Exceptions for entry by workers during restricted-entry intervals—40 C.F.R., Sec. 170.603.**

- This section highlights exceptions to entry by workers during REIs.
- Move requirements from WAC 296-307-12020 to this section.
- Consolidated agricultural emergency language to maintain current protections.

**WAC 296-307-11415 Agricultural employer responsibilities to protect workers entering treated areas during a restricted-entry interval—40 C.F.R., Sec. 170.605.**

- This section requires agricultural employer to provide information regarding entry during restricted entry interval.
- Move requirements from WAC 296-307-12020 to this section. Keep heat related illness language.

**WAC 296-307-11420 Exceptions to personal protective equipment requirements specified on pesticide product labeling—40 C.F.R., Sec. 170.607.**

- This section highlights exceptions to PPE.

- Move requirements from WAC 296-307-13045 to this section.
- Incorporate aspects of the current enclosed cab language to allow for good hygiene practices and not lower protections.

**REPEALED SECTIONS:**

**WAC 296-307-110 Scope and purpose.**

- Repeal this section and move to WAC 296-307-10810.

**WAC 296-307-11005 Definitions.**

- Repeal this section and move to WAC 296-307-10820.

**WAC 296-307-11010 General duties and prohibited actions.**

- Repeal this section and move requirements to WAC 296-307-10825.

**WAC 296-307-11015 Violations of this part.**

- Repeal this section and move requirements to WAC 296-307-10835.

**WAC 296-307-120 Applicability of this section.**

- Repeal this section and move requirements to WAC 296-307-10815.

**WAC 296-307-12005 Exceptions.**

- Repeal this section and move requirements to WAC 296-307-11410.

**WAC 296-307-12010 Exemptions.**

- Repeal this section and move requirements to WAC 296-307-11405.

**WAC 296-307-12015 Restrictions associated with pesticide applications.**

- Repeal this section and move requirements to WAC 296-307-10915.

**WAC 296-307-12020 Entry restrictions.**

- Repeal this section and move requirements to WAC 296-307-10920.

**WAC 296-307-12025 Notice of applications.**

- Repeal this section and move requirements to WAC 296-307-10925.

**WAC 296-307-12030 Providing specific information about applications.**

- Repeal this section and move requirements to WAC 296-307-10830.

**WAC 296-307-12035 Notice of applications to handler employers.**

- Repeal this section and move requirements to WAC 296-307-11210.

**WAC 296-307-12040 Pesticide safety training.**

- Repeal this section and move requirements to WAC 296-307-10905.

**WAC 296-307-12045 Posted pesticide safety information.**

- Repeal this section and move requirements to WAC 296-307-10830.

**WAC 296-307-12050 Decontamination.**

- Repeal this section and move requirements to WAC 296-307-10930.

**WAC 296-307-12055 Emergency assistance.**

- Repeal this section and move requirements to WAC 296-307-10825.

**WAC 296-307-130 Applicability of this section—Standards for pesticide handlers.**

- Repeal this section and move requirements to WAC 296-307-10815.

**WAC 296-307-13010 Restrictions during applications.**

- Repeal this section and move requirements to WAC 296-307-10915.

**WAC 296-307-13015 Providing specific information about applications.**

- Repeal this section and move requirements to WAC 296-307-10905.

**WAC 296-307-13020 Notice of applications to agricultural employers.**

- Repeal this section and move requirements to WAC 296-307-11415.

**WAC 296-307-13025 Pesticide safety training.**

- Repeal this section and move requirements to WAC 296-307-11205.

**WAC 296-307-13030 Knowledge of labeling and site-specific information.**

- Repeal this section and move requirements to WAC 296-307-11210.

**WAC 296-307-13035 Safe operation of equipment.**

- Repeal this section and move requirements to WAC 296-307-11415.

**WAC 296-307-13040 Posted pesticide safety information.**

- Repeal this section and move requirements to WAC 296-307-10830.

**WAC 296-307-13045 Personal protective equipment.**

- Repeal this section and move requirements to WAC 296-307-11220.

**WAC 296-307-13050 Decontamination.**

- Repeal this section and move requirements to WAC 296-307-10930.

**WAC 296-307-13055 Emergency assistance.**

- Repeal this section and move requirements to WAC 296-307-10825.

Reasons Supporting Proposal: Under RCW 49.17.280, DOSH is required to update our rules to be at-least-as-effective-as the federal EPA WPS. The federal EPA WPS are designed to reduce the risks of illness or injury resulting from workers' and handlers' occupational exposures to pesticides used in the production of agricultural plants on farms or in nurseries, greenhouses, and forests and also from the acci-

idental exposure of workers and other persons to such pesticides.

Statutory Authority for Adoption: RCW 49.17.040, 49.17.050, 49.17.280.

Statute Being Implemented: Chapter 49.17 RCW.

Rule is necessary because of federal law, 40 C.F.R. Part 170.

Name of Proponent: L&I, governmental.

Name of Agency Personnel Responsible for Drafting: Chris Miller, Tumwater, Washington, 360-902-5516; Implementation and Enforcement: Anne Soiza, Tumwater, Washington, 360-902-5090.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. This rule making is exempted under RCW 34.05.-328 (5)(b)(iii) from the requirement for a cost-benefit analysis. The proposed rules are adopting or incorporating by reference without material change federal statutes or regulatory changes.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules are adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of state-wide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule; and rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

June 18, 2019

Joel Sacks

Director

NEW SECTION**WAC 296-307-108 General provisions.**NEW SECTION

**WAC 296-307-10805 Federal worker protection standards—Washington state department of labor and industries.** This part contains the federal Environmental Protection Agency (EPA) worker protection standards as listed in 40 C.F.R., Part 170. Revisions to the federal language have been incorporated into this part in order to be consistent with other requirements of Washington state law. These rules are adopted in conjunction with rules adopted by the Washington state department of labor and industries in this chapter, Part I and the Washington state department of agriculture in chapter 16-233 WAC.

NEW SECTION

**WAC 296-307-10810 Scope and purpose—40 C.F.R., Sec. 170.301.** This part contains standards designed to reduce the risks of illness or injury resulting from workers' and handlers' occupational exposures to pesticides used in the production of agricultural plants on agricultural establishments and also to reduce the accidental exposure of workers and other persons to such pesticides. It requires handlers to wear the label specified clothing and personal protective equipment when performing handler activities, and to take measures to protect workers and other persons during pesticide applications. It also requires workplace practices designed to reduce or eliminate exposure to pesticides and establishes procedures for responding to exposure-related emergencies.

NEW SECTION

**WAC 296-307-10815 Applicability—40 C.F.R., Sec. 170.303.** (1) This regulation applies whenever a pesticide product bearing a label requiring compliance with this part is used in the production of agricultural plants on an agricultural establishment, except as provided in subsections (2) and (3) of this section.

(2) This regulation does not apply when a pesticide product bearing a label requiring compliance with this part is used on an agricultural establishment in any of the following circumstances:

(a) As part of government-sponsored public pest control programs over which the owner, agricultural employer and handler employer have no control, such as mosquito abatement and Mediterranean fruit fly eradication programs.

(b) On plants other than agricultural plants, which may include plants in home fruit and vegetable gardens and home greenhouses, and permanent plantings for ornamental purposes, such as plants that are in ornamental gardens, parks, public or private landscaping, lawns or other grounds that are intended only for aesthetic purposes or climatic modification.

(c) For control of vertebrate pests, unless directly related to the production of an agricultural plant.

(d) As attractants or repellents in traps.

(e) On the harvested portions of agricultural plants or on harvested timber.

(f) For research uses of unregistered pesticides.

(g) On pasture and rangeland where the forage will not be harvested for hay.

(h) In a manner not directly related to the production of agricultural plants including, but not limited to, structural pest control and control of vegetation in noncrop areas.

(3) Where a pesticide product's labeling-specific directions for use or other labeling requirements are inconsistent with requirements of this chapter, users must comply with the pesticide product labeling, except as provided for in WAC 296-307-11405, 296-307-11410, and 296-307-11420.

NEW SECTION

**WAC 296-307-10820 Definitions—40 C.F.R., Sec. 170.305.** Terms used in this part have the same meanings they have in the Federal Insecticide, Fungicide, and Rodenti-

cide Act, as amended. In addition, the following terms, when used in this part, shall have the following meanings:

**"Agricultural emergency"** for agricultural emergencies see WAC 296-307-11410 (3)(a).

**"Agricultural employer"** means any person who is an owner of, or is responsible for the management or condition of, an agricultural establishment, and who employs any worker or handler.

**"Agricultural establishment"** means any farm, forest operation, or nursery engaged in the outdoor or enclosed space production of agricultural plants. An establishment that is not primarily agricultural is an agricultural establishment if it produces agricultural plants for transplant or use (in part or their entirety) in another location instead of purchasing the agricultural plants.

**"Agricultural plant"** means any plant, or part thereof, grown, maintained, or otherwise produced for commercial purposes, including growing, maintaining or otherwise producing plants for sale or trade, for research or experimental purposes, or for use in part or their entirety in another location. Agricultural plant includes, but is not limited to, grains; fruits and vegetables; wood fiber or timber products; flowering and foliage plants and trees; seedlings and transplants; and turf grass produced for sod. Agricultural plant does not include pasture or rangeland used for grazing.

**"Application exclusion zone"** means the area surrounding the application equipment that must be free of all persons other than appropriately trained and equipped handlers during pesticide applications.

**"Chemigation"** means the application of pesticides through irrigation systems.

**"Closed system"** means an engineering control used while removing pesticide contents from its original container, preventing the pesticide from contacting handlers. It is used to protect handlers or other persons from pesticide exposure hazards when mixing and loading pesticides. When used properly and as intended, water-soluble packaging may qualify as a type of closed system.

**"Commercial pesticide handler employer"** means any person, other than an agricultural employer, who employs any handler to perform handler activities on an agricultural establishment. A labor contractor who does not provide pesticide application services or supervise the performance of handler activities, but merely employs laborers who perform handler activities at the direction of an agricultural or handler employer, is not a commercial pesticide handler employer.

**"Commercial pesticide handling establishment"** means any enterprise, other than an agricultural establishment, that provides pesticide handler or crop advising services to agricultural establishments.

**"Crop advisor"** means any person who is assessing pest numbers, damage, pesticide distribution, or the status or requirements of agricultural plants and who holds a current Washington state department of agriculture commercial consultant license in the agricultural areas in which they are advising. The term does not include any person who is performing hand labor tasks.

**"Designated representative"** means any persons designated in writing by a worker or handler to exercise a right of access on behalf of the worker or handler to request and

obtain a copy of the pesticide application and hazard information required by WAC 296-307-10825(8) in accordance with WAC 296-307-10830(2).

**"Early entry"** means entry by a worker into a treated area on the agricultural establishment after a pesticide application is complete, but before any restricted-entry interval for the pesticide has expired.

**"Employ"** means to obtain, directly or through a labor contractor, the services of a person in exchange for any type of compensation including a salary, wages, or piece-rate wages, without regard to who may pay or who may receive the salary or wages. It includes obtaining the services of a self-employed person, an independent contractor, or a person compensated by a third party, except that it does not include an agricultural employer obtaining the services of a handler through a commercial pesticide handler employer or a commercial pesticide handling establishment.

**"Enclosed cab"** means a cab with a nonporous barrier that totally surrounds the occupant(s) of the cab and prevents contact with pesticides that are being applied outside of the cab. Refer to WAC 296-307-11420(5).

**"Enclosed space production"** means production of an agricultural plant indoors or in a structure or space that is covered in whole or in part by any nonporous covering or that is covered and enclosed in a way that would obstruct natural air flow (e.g., greenhouse, hoop houses, polyhouses, rhubarb houses), and that is large enough to permit a person to enter. Structures, such as shade houses with a covering made of fencing or fabric to provide shade on plants that do not have any walls are not considered enclosed spaces.

**"Farm"** means any operation, other than a nursery or forest, engaged in the outdoor production of agricultural plants.

**"Forest"** means any operation engaged in the outdoor production of any agricultural plant to produce wood fiber or timber products.

**"Fumigant"** means any pesticide product that is a vapor or gas, or forms a vapor or gas upon application, and whose pesticidal action is achieved through the gaseous or vapor state.

**"Hand labor"** means any agricultural activity performed by hand or with hand tools that causes a worker to have substantial contact with surfaces (such as plants, plant parts, or soil) and other surfaces that may contain pesticide residues. These activities include, but are not limited to, harvesting, detasseling, thinning, weeding, topping, planting, sucker removal, pruning, disbudding, roguing, and packing produce into containers in the field. Hand labor does not include performing crop advisor tasks or operating, moving, or repairing irrigation or watering equipment. For irrigation or watering equipment used during chemigation see handler activities.

**"Handler"** means any person, including a self-employed person, who is employed by an agricultural employer or commercial pesticide handler employer and performs any of the following activities:

- Mixing, loading, or applying pesticides.
- Disposing of pesticides.
- Handling opened containers of pesticides, emptying, triple-rinsing, or cleaning pesticide containers according to

pesticide product labeling instructions, or disposing of pesticide containers that have not been cleaned. The term does not include any person who is only handling unopened pesticide containers or pesticide containers that have been emptied or cleaned according to pesticide product labeling instructions.

- Acting as a flagger.
- Cleaning, adjusting, handling, or repairing the parts of mixing, loading, or application equipment that may contain pesticide residues, including irrigation equipment used for chemigation.
- Assisting with the application of pesticides.
- Entering an enclosed space after the application of a pesticide and before the inhalation exposure level listed in the labeling has been reached or one of the ventilation criteria established in WAC 296-307-10915 (2)(c) or the labeling has been met to operate ventilation equipment, monitor air levels, or adjust or remove coverings used in fumigation.
- Entering a treated area outdoors after application of any soil fumigant during the labeling-specified entry-restricted period to adjust or remove coverings used in fumigation.
- Performing tasks as a crop advisor during any pesticide application or restricted-entry interval, or before the inhalation exposure level listed in the pesticide product labeling has been reached or one of the ventilation criteria established in WAC 296-307-10915 (2)(c) or the pesticide product labeling has been met, and either inhalation exposure levels are below PELs in WAC 296-307-624, Part Y-6 Respiratory hazards, or respiratory protection is provided and worn according to requirements in WAC 296-307-594, Part Y-5.

**"Handler employer"** means any person who is self-employed as a handler or who employs any handler.

**"Immediate family"** includes only spouse, children, stepchildren, foster children, parents, stepparents, foster parents, brothers, and sisters.

**"Labor contractor"** means a person, other than a commercial pesticide handler employer, who employs workers or handlers to perform tasks on an agricultural establishment for an agricultural employer or a commercial pesticide handler employer.

**"Outdoor production"** means production of an agricultural plant in an outside area that is not enclosed or covered in any way by nonporous material. This includes shade houses without sides, that may minimally obstruct the natural airflow.

**"Owner"** means any person who has a present possessory interest (e.g., fee, leasehold, rental, or other) in an agricultural establishment. A person who has both leased such agricultural establishment to another person and granted that same person the right and full authority to manage and govern the use of such agricultural establishment is not an owner for purposes of this chapter.

**"Personal protective equipment"** means devices, appliances or apparel that are worn or used to protect the body from exposure to safety and health hazards. PPE that protects against chemical hazards such as pesticides or pesticide residues including, but not limited to: Coveralls, chemical-resistant suits, chemical-resistant gloves, chemical-resistant footwear, respirators, chemical-resistant aprons, chemical-resistant headgear, and protective eyewear.

**"Restricted-entry interval (REI)"** means the time after the end of a pesticide application during which entry into the treated area is restricted.

**"Safety data sheet (SDS)"** means written or printed material concerning a hazardous chemical that is prepared in accordance with WAC 296-901-14014.

**"Treated area"** means any area to which a pesticide is being directed or has been directed.

**"Use,"** as in **"to use a pesticide"** means any of the following:

- Preapplication activities including, but not limited to:
  - Arranging for the application of the pesticide.
  - Mixing and loading the pesticide.
  - Making necessary preparations for the application of the pesticide, including responsibilities related to worker notification, training of workers or handlers, providing decontamination supplies, providing pesticide safety information and pesticide application and hazard information, use and care of personal protective equipment, providing emergency assistance, and heat stress management.

**Note:** Additional requirements in WAC 296-307-097 Outdoor heat exposure, may apply between May 1st and September 30th of each year. See Part G-1.

- Application of the pesticide.
- Postapplication activities intended to reduce the risks of illness and injury resulting from handlers' and workers' occupational exposures to pesticide residues during and after the restricted-entry interval, including responsibilities related to worker notification, training of workers or early entry workers, providing decontamination supplies, providing pesticide safety information and pesticide application and hazard information, use and care of personal protective equipment, providing emergency assistance, and heat stress management.
- Other pesticide-related activities including, but not limited to, transporting or storing pesticides that have been opened, cleaning equipment, and disposing of excess pesticides, spray mix, equipment wash waters, pesticide containers, and other pesticide-containing materials.

**"Worker"** means any person, including a self-employed person, who is employed and performs activities directly relating to the production of agricultural plants on an agricultural establishment.

**"Worker housing area"** means any place or area of land on or near an agricultural establishment where housing or space for housing is provided for workers or handlers by an agricultural employer, owner, labor contractor, or any other person responsible for the recruitment or employment of agricultural workers.

#### NEW SECTION

**WAC 296-307-10825 Agricultural employer duties—40 C.F.R., Sec. 170.309.** Agricultural employers must:

(1) Ensure that any pesticide is used in a manner consistent with the pesticide product labeling, including the requirements of this part, when applied on the agricultural establishment.

(2) Ensure that each worker and handler subject to this part receives the protections required by this part.

(3) Ensure that any handler and any early entry worker is at least eighteen years old.

(4) Provide to each person, including labor contractors, who supervises any workers or handlers, information and directions sufficient to ensure that each worker and handler receives the protections required by this part. Such information and directions must specify the tasks for which the supervisor is responsible in order to comply with the provisions of this part.

(5) Require each person, including labor contractors, who supervises any workers or handlers, to provide sufficient information and directions to each worker and handler to ensure that they can comply with the provisions of this part.

(6) Provide emergency assistance in accordance with this subsection. If there is reason to believe that a worker or handler has experienced a potential pesticide exposure during his or her employment on the agricultural establishment or shows symptoms similar to those associated with acute exposure to pesticides during or within seventy-two hours after his or her employment on the agricultural establishment, and needs emergency medical treatment, the agricultural employer must do all of the following promptly after learning of the possible poisoning or injury:

(a) Make available to that person prompt transportation from the agricultural establishment, including any worker housing area on the establishment, to an operating medical care facility capable of providing emergency medical treatment to a person exposed to pesticides.

(b) Provide all of the following information to that person or to the treating medical personnel:

(i) Copies of the applicable safety data sheet(s)(SDS) and the product name(s), EPA registration number(s) and active ingredient(s) for each pesticide product to which the person may have been exposed.

(ii) The circumstances of application or use of the pesticide on the agricultural establishment.

(iii) The circumstances that could have resulted in exposure to the pesticide.

(iv) Antidote, first aid and other medical information from the product labeling.

(7) Ensure that workers or other persons employed or supervised by the agricultural establishment do not clean, repair, or adjust pesticide application equipment, unless trained as a handler under WAC 296-307-11205. Before allowing any person not directly employed or supervised by the agricultural establishment to clean, repair, or adjust equipment that has been used to mix, load, transfer, or apply pesticides, the agricultural employer shall assure that pesticide residues have been removed from the equipment if feasible and must provide all of the following information to such person:

(a) Pesticide application equipment may be contaminated with pesticides.

(b) The potentially harmful effects of exposure to pesticides.

(c) Procedures for handling pesticide application equipment and for limiting exposure to pesticide residues.

(d) Personal hygiene practices and decontamination procedures for preventing pesticide exposures and removing pesticide residues.

(8) Display, maintain, and provide access to pesticide safety information and pesticide application and hazard information that is legible and in accordance with WAC 296-307-10830. If workers or handlers are on the establishment and within the last thirty days a pesticide product has been used or a restricted-entry interval for such pesticide has been in effect on the establishment.

(9) Ensure that before a handler uses any equipment for mixing, loading, transferring, or applying pesticides, the handler is instructed in the safe operation of such equipment.

(10) Ensure that before each day of use, equipment used for mixing, loading, transferring, or applying pesticides is inspected for leaks, clogging, and worn or damaged parts, and any damaged equipment is repaired or replaced.

(11) The agricultural employer must notify a commercial pesticide handler employer (CPHER) of any specific locations and descriptions of those treated areas and any restrictions on entering the treated areas with restricted-entry intervals (REIs) in effect whenever:

(a) A handler employed by a CIPHER will be on the agricultural establishment; and

(b) The CIPHER handler may be in or walk within a quarter mile of any pesticide treated area with restricted-entry interval (REI) in effect.

(12) Ensure that workers do not enter any area on the agricultural establishment where a pesticide has been applied until the applicable pesticide application and hazard information for each pesticide product applied to that area is displayed in accordance with WAC 296-307-10830(2) and until after the restricted-entry interval has expired and all treated area warning signs have been removed or covered, except for entry permitted by WAC 296-307-11410.

(13) Provide any records or other information required by this section for inspection and copying upon request by an employee of EPA, or any duly authorized representatives of the Washington state department of agriculture or department of labor and industries.

(14) Pesticide safety, application, and hazard information must remain legible at all times when the information is required to be displayed. This information must be in accordance with WAC 296-307-10830.

## NEW SECTION

**WAC 296-307-10830 Display requirements for pesticide safety information and pesticide application and hazard information—40 C.F.R., Sec. 170.311.** (1) **Display of pesticide safety information.** Whenever pesticide safety information and pesticide application and hazard information are required to be provided under WAC 296-307-10825(8), pesticide safety information must be legible and displayed in accordance with this subsection.

(a) **General.** The pesticide safety information must be conveyed in a manner that workers and handlers can understand.

(b) The pesticide safety information must include all of the following points:

(i) Avoid getting on the skin or into the body any pesticides that may be on or in plants, soil, irrigation water, trac-

tors, and other equipment, on used personal protective equipment, or drifting from nearby applications.

(ii) Wash before eating, drinking, using chewing gum or tobacco, or using the toilet.

**Note:** Consider including other activities that could be a route of exposure such as using a phone or cell phone, or tablet, applying makeup, and getting into a personal vehicle.

(iii) Wear work clothing that protects the body from pesticide residues (long-sleeved shirts, long pants, shoes and socks, and a hat or scarf).

(iv) Wash or shower with soap and water, shampoo hair, and put on clean clothes after work.

(v) Wash work clothes separately from other clothes before wearing them again.

(vi) If pesticides are spilled or sprayed on the body use decontamination supplies to wash immediately, or rinse off in the nearest clean water, including springs, streams, lakes or other sources if more readily available than decontamination supplies, and as soon as possible, wash or shower with soap and water, shampoo hair, and change into clean clothes.

(vii) Follow directions about keeping out of treated areas and application exclusion zones.

(viii) Instructions to employees to seek medical attention as soon as possible if they believe they have been poisoned, injured or made ill by pesticides.

(ix) The name, address, and telephone number of a nearby operating medical care facility capable of providing emergency medical treatment. This information must be clearly identified as emergency medical contact information on the display.

(x) The name, address, and telephone number of the Washington state department of agriculture and Washington state department of labor and industries, 1-800-4BE-SAFE (1-800-423-7233).

(c) **Changes to pesticide safety information.** The agricultural employer must update the pesticide safety information display within twenty-four hours of notice of any changes to the information required in (b)(ix) of this subsection.

(d) **Location.** The pesticide safety information must be displayed at each of the following sites on the agricultural establishment:

(i) The site selected pursuant to subsection (2)(b) of this section for display of pesticide application and hazard information.

(ii) Anywhere that decontamination supplies must be provided on the agricultural establishment pursuant to WAC 296-307-10930, 296-307-11225 or 296-307-11415, but only when the decontamination supplies are located at permanent sites or being provided at locations and in quantities to meet the requirements of ten or more gallons of water.

(e) **Accessibility.** When pesticide safety information is required to be displayed, workers and handlers must be allowed access to the pesticide safety information at all times during normal work hours.

(2) **Keeping and displaying pesticide application and hazard information.** Whenever pesticide safety information and pesticide application and hazard information is required to be provided under WAC 296-307-10825(8), pesticide application and hazard information for any pesticides that are



used on the agricultural establishment must be displayed in a legible manner, retained, and made accessible in accordance with this subsection.

(a) **Content.** The pesticide application and hazard information must include all of the following information for each pesticide product applied:

- (i) A copy of the safety data sheet (SDS).
- (ii) The name, EPA registration number, and active ingredient(s) of the pesticide product.
- (iii) The crop or site treated and the location and description of the treated area.
- (iv) The date(s) and times the application started and ended.
- (v) The duration of the applicable labeling-specified restricted-entry interval for that application.

(b) **Location.** The pesticide application and hazard information must be displayed at a place on the agricultural establishment where workers and handlers are likely to pass by or congregate and where it can be readily seen and read.

(c) **Accessibility.** When the pesticide application and hazard information is required to be displayed, workers and handlers must be allowed access to the location of the information at all times during normal work hours.

(d) **Timing.** The pesticide application and hazard information for each pesticide product applied must be displayed no later than twenty-four hours after the end of the application of the pesticide. The pesticide application and hazard information must be displayed continuously from the beginning of the display period until at least thirty days after the end of the last applicable restricted-entry interval, or until workers or handlers are no longer on the establishment, whichever is earlier.

(e) **Record retention.** Whenever pesticide safety information and pesticide application and hazard information is required to be displayed in accordance with this subsection, the agricultural employer must retain the pesticide application and hazard information described in (a) of this subsection on the agricultural establishment for seven years after the date of expiration of the restricted-entry interval applicable to the pesticide application conducted.

(f) **Access to pesticide application and hazard information by a worker or handler.**

(i) If a person is or was employed as a worker or handler by an establishment during the period that particular pesticide application and hazard information was required to be displayed and retained in accordance with (e) and (f) of this subsection, and the person requests a copy of such application and/or hazard information, or requests access to such application and/or hazard information after it is no longer required to be displayed, the agricultural employer must provide the worker or handler with a copy of or access to all of the requested information within fifteen days of the receipt of any such request. The worker or handler may make the request orally or in writing.

(ii) Whenever a record has been previously provided without cost to a worker or handler or their designated representative, the agricultural employer may charge reasonable, nondiscriminatory administrative costs (i.e., search and copying expenses but not including overhead expenses) for a

request by the worker or handler for additional copies of the record.

(g) **Access to pesticide application and hazard information by treating medical personnel.** Any treating medical personnel, or any person acting under the supervision of treating medical personnel, may request, orally or in writing, access to or a copy of any information required to be retained for seven years in (f) of this subsection in order to inform diagnosis or treatment of a worker or handler who was employed on the establishment during the period that the information was required to be displayed. The agricultural employer must promptly provide a copy of or access to all of the requested information applicable to the worker's or handler's time of employment on the establishment after receipt of the request.

(h) **Access to pesticide application and hazard information by a designated representative.**

(i) Any worker's or handler's designated representative may request access to or a copy of any information required to be retained for seven years in (f) of this subsection on behalf of a worker or handler employed on the establishment during the period that the information was required to be displayed. The agricultural employer must provide access to or a copy of the requested information applicable to the worker's or handler's time of employment on the establishment within fifteen days after receiving any such request, provided the request meets the requirements specified in (h)(ii) of this subsection.

(ii) A request by a designated representative for access to or a copy of any pesticide application and/or hazard information must be in writing and must contain all of the following:

(A) The name of the worker or handler being represented.

(B) A description of the specific information being requested. The description should include the dates of employment of the worker or handler, the date or dates for which the records are requested, type of work conducted by the worker or handler (e.g., planting, harvesting, applying pesticides, mixing or loading pesticides) during the period for which the records are requested, and the specific application and/or hazard information requested.

(C) A written statement clearly designating the representative to request pesticide application and hazard information on the worker's or handler's behalf, bearing the worker's or handler's printed name and signature, the date of the designation, and the printed name and contact information for the designated representative.

(D) If the worker or handler requests that the pesticide application and/or the hazard information be sent, direction for where to send the information (e.g., mailing address or email address).

(iii) If the written request from a designated representative contains all of the necessary information specified in (h)(i) and (ii) of this subsection, the employer must provide a copy of or access to all of the requested information applicable to the worker's or handler's time of employment on the establishment to the designated representative within fifteen days of receiving the request.

(iv) Whenever a record has been previously provided without cost to a worker or handler or their designated repre-

sentative, the agricultural employer may charge reasonable, nondiscriminatory administrative costs (i.e., search and copying expenses but not including overhead expenses) for a request by the designated representative for additional copies of the record.

#### NEW SECTION

**WAC 296-307-10835 Commercial pesticide handler employer duties—40 C.F.R., Sec. 170.313.** Commercial pesticide handler employers must:

(1) Ensure that any pesticide is used in a manner consistent with the pesticide product labeling, including the requirements of this part, when applied on an agricultural establishment by a handler employed by the commercial pesticide handling establishment.

(2) Ensure each handler employed by the commercial pesticide handling establishment and subject to this part receives the protections required by this part.

(3) Ensure that any handler employed by the commercial pesticide handling establishment is at least eighteen years old.

(4) Provide to each person, including labor contractors, who supervises any handlers employed by the commercial pesticide handling establishment, information and directions sufficient to ensure that each handler receives the protections required by this part. Such information and directions must specify the tasks for which the supervisor is responsible in order to comply with the provisions of this part.

(5) Require each person, including labor contractors, who supervises any handlers employed by the commercial pesticide handling establishment, to provide sufficient information and directions to each handler to ensure that the handler can comply with the provisions of this part.

(6) Ensure that before any handler employed by the commercial pesticide handling establishment uses any equipment for mixing, loading, transferring, or applying pesticides, the handler is instructed in the safe operation of such equipment.

(7) Ensure that, before each day of use, equipment used by their employees for mixing, loading, transferring, or applying pesticides is inspected for leaks, obstructions, and worn or damaged parts, and any damaged equipment is repaired or is replaced.

(8) Ensure that whenever a handler who is employed by a commercial pesticide handling establishment will be on an agricultural establishment, the handler is provided information about, or is aware of, the specific location and description of any treated areas where a restricted-entry interval is in effect, and the restrictions on entering those areas.

(9) Provide the agricultural employer all of the following information before the application of any pesticide on an agricultural establishment:

(a) Specific location(s) and description of the area(s) to be treated.

(b) The date(s) and start and estimated end times of application.

(c) Product name, EPA registration number, and active ingredient(s).

(d) The labeling-specified restricted-entry interval applicable for the application.

(e) Whether posting, oral notification or both are required under WAC 296-307-10925.

(f) Any restrictions or use directions on the pesticide product labeling that must be followed for protection of workers, handlers, or other persons during or after application.

(10) If there are any changes to the information provided in subsection (9)(a), (d), (e), and (f) of this section or if the start time for the application will be earlier than originally forecasted or scheduled, ensure that the agricultural employer is provided updated information prior to the application. If there are any changes to any other information provided pursuant to subsection (9) of this section, the commercial pesticide handler employer must provide updated information to the agricultural employer within two hours after completing the application. Changes to the estimated application end time of less than one hour need not be reported to the agricultural employer.

(11) Provide emergency assistance in accordance with this subsection. If there is reason to believe that a handler employed by the commercial pesticide handling establishment has experienced a potential pesticide exposure during his or her employment by the commercial pesticide handling establishment or shows symptoms similar to those associated with acute exposure to pesticides during or within seventy-two hours after his or her employment by the commercial pesticide handling establishment, and needs emergency medical treatment, the commercial pesticide handler employer must do all of the following promptly after learning of the possible poisoning or injury:

(a) Make available to that person prompt transportation from the commercial pesticide handling establishment, or any agricultural establishment on which that handler may be working on behalf of the commercial pesticide handling establishment, to an operating medical care facility capable of providing emergency medical treatment to a person exposed to pesticides.

(b) Provide all of the following information to the treating medical personnel:

(i) Copies of the applicable safety data sheet(s)(SDS) and the product name(s), EPA registration number(s) and active ingredient(s) for each pesticide product to which the person may have been exposed.

(ii) The circumstances of application or use of the pesticide.

(iii) The circumstances that could have resulted in exposure to the pesticide.

(iv) Antidote, first aid and other medical information from the product labeling.

(12) Ensure that persons directly employed by the commercial pesticide handling establishment do not clean, repair, or adjust pesticide application equipment, unless trained as a handler under WAC 296-307-11205. Before allowing any person not directly employed by the commercial pesticide handling establishment to clean, repair, or adjust equipment that has been used to mix, load, transfer, or apply pesticides, the commercial pesticide handler employer shall assure that pesticide residues have been removed from the equipment if feasible and must provide all of the following information to such persons:

(a) Notice that the pesticide application equipment may be contaminated with pesticides.

(b) The potentially harmful effects of exposure to pesticides.

(c) Procedures for handling pesticide application equipment and for limiting exposure to pesticide residues.

(d) Personal hygiene practices and decontamination procedures for preventing pesticide exposures and removing pesticide residues.

(13) Provide any records or other information required by this part for inspection and copying upon request by an employee of EPA or any duly authorized representative of the Washington state department of agriculture or the department of labor and industries.

#### NEW SECTION

**WAC 296-307-10840 Prohibited actions—40 C.F.R., Sec. 170.315.** No agricultural employer, commercial pesticide handler employer, or other person involved in the use of a pesticide to which this part applies, shall intimidate, threaten, coerce, or discriminate against any worker or handler for complying with or attempting to comply with this part, or because the worker or handler provided, caused to be provided or is about to provide information to the employer or the EPA or any duly authorized representative of the Washington state department of agriculture, or the department of labor and industries regarding conduct that the worker or handler reasonably believes violates this part, has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing concerning compliance with this part, or has objected to, or refused to participate in, any activity, policy, practice, or assigned task that the worker or handler reasonably believed to be in violation of this part. Any such intimidation, threat, coercion, or discrimination violates the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), Section 12 (a)(2)(G), 7 U.S.C. 136j (a)(2)(G).

#### NEW SECTION

**WAC 296-307-10845 Violations of this part—40 C.F.R., Sec. 170.317.** (1) RCW 15.58.150 (2)(c) provides that it is unlawful for any person "...to use or cause to be used any pesticide contrary to label directions...." When 40 C.F.R., Part 170 is referenced on a label, users must comply with all of its requirements, except those that are inconsistent with product-specific instructions on the pesticide product labeling, except as provided for in WAC 296-307-11405, 296-307-11410, and 296-307-11420.

(2) A person who has a duty under this part, as referenced on the pesticide product labeling, and who fails to perform that duty, violates RCW 15.58.330 and 17.21.315, FIFRA Section 12 (a)(2)(G), and is subject to civil penalties under RCW 15.58.335, 15.58.260, and 17.21.315.

(3) FIFRA Section 14 (b)(4) provides that a person is liable for a penalty under FIFRA if another person employed by or acting for that person violates any provision of FIFRA. The term "acting for" includes both employment and contractual relationships including, but not limited to, labor contractors.

(4) The requirements of this part including the decontamination requirements, must not, for the purposes of Title 29 U.S.C. Sec. 653 (b)(1), be deemed to be the exercise of statutory authority to prescribe or enforce standards or regulations affecting the general sanitary hazards addressed by the WISHA Field Sanitation Standard, WAC 296-307-095, OSHA Field Sanitation Standard, 29 C.F.R. Sec. 1928.110, or other agricultural nonpesticide hazards.

#### NEW SECTION

**WAC 296-307-109 Requirements for protection of agricultural workers.**

#### NEW SECTION

**WAC 296-307-10905 Training requirements for workers—40 C.F.R., Sec. 170.401.** (1) General requirement. Before any worker performs any task in a treated area on an agricultural establishment where within the last thirty days a pesticide product has been used or a restricted-entry interval for such pesticide has been in effect, the agricultural employer must ensure that each worker has been trained in accordance with this section within the last twelve months, except as provided in subsection (2) of this section.

**Note:** In addition to the training required by this section, the agricultural employer shall assure without exception, that all employees are trained in accordance with chapter 296-901 WAC, Globally harmonized system for hazard communication.

(2) Exceptions. The following workers need not be trained under this section:

(a) A worker who is currently certified as an applicator of restricted use pesticides under chapter 17.21 RCW.

(b) A worker who has satisfied the handler training requirements in WAC 296-307-11205.

(c) A worker who is certified or licensed as a crop advisor by the Washington state department of agriculture under RCW 15.58.230, provided, that a requirement for such certification or licensing is pesticide safety training that includes all the topics in WAC 296-307-11205 (3)(b) or (c) as applicable depending on the date of training.

(3) Training programs.

(a) Pesticide safety training must be presented to workers either orally from written materials or audio-visually, at a location that is reasonably free from distraction and conducive to training. All training materials must be EPA-approved. The training must be presented in a manner that the workers can understand, such as through a translator. The training must be conducted by a person who meets the worker trainer requirements of (d) of this subsection, and who must be present during the entire training program and must respond to workers' questions.

(b) The training must include, at a minimum, all of the following topics:

(i) Where and in what form pesticides may be encountered during work activities.

(ii) Hazards of pesticides resulting from toxicity and exposure, including acute and chronic effects, delayed effects, and sensitization.

(iii) Routes through which pesticides can enter the body.

(iv) Signs and symptoms of common types of pesticide poisoning.

(v) Emergency first aid for pesticide injuries or poisonings.

(vi) How to obtain emergency medical care.

(vii) Routine and emergency decontamination procedures, including emergency eye flushing techniques.

(viii) Hazards from chemigation and drift.

(ix) Hazards from pesticide residues on clothing.

(x) Warnings about taking pesticides or pesticide containers home.

(xi) Requirements of this section designed to reduce the risks of illness or injury resulting from workers' occupational exposure to pesticides, including application and entry restrictions, the design of the warning sign, posting of warning signs, oral warnings, the availability of specific information about applications, and the protection against retaliatory acts.

(c) EPA intends to make available to the public training materials that may be used to conduct training conforming to the requirements of this section. Within one hundred eighty-one days after a notice of availability of such training materials appears in the *Federal Register*, training programs required under this section must include, at a minimum, all of the topics listed in (c)(i) through (xxiii) of this subsection instead of the topics listed in (b)(i) through (xi) of this subsection.

(i) The responsibility of agricultural employers to provide workers and handlers with information and protections designed to reduce work-related pesticide exposures and illnesses. This includes ensuring workers and handlers have been trained on pesticide safety, providing pesticide safety and application and hazard information, decontamination supplies and emergency medical assistance, and notifying workers of restrictions during applications and on entering pesticide treated areas. A worker or handler may designate in writing a representative to request access to pesticide application and hazard information.

(ii) How to recognize and understand the meaning of the posted warning signs used for notifying workers of restrictions on entering pesticide treated areas on the establishment.

(iii) How to follow directions and/or signs about keeping out of pesticide treated areas subject to a restricted-entry interval and application exclusion zones.

(iv) Where and in what forms pesticides may be encountered during work activities, and potential sources of pesticide exposure on the agricultural establishment. This includes exposure to pesticide residues that may be on or in plants, soil, tractors, application and chemigation equipment, or used personal protective equipment, and that pesticides may drift through the air from nearby applications or be in irrigation water.

(v) Potential hazards from toxicity and exposure that pesticides present to workers and their families, including acute and chronic effects, delayed effects, and sensitization.

(vi) Routes through which pesticides can enter the body.

(vii) Signs and symptoms of common types of pesticide poisoning.

(viii) Emergency first aid for pesticide injuries or poisonings.

(ix) Routine and emergency decontamination procedures, including emergency eye flushing techniques, and if pesticides are spilled or sprayed on the body to use decontamination supplies to wash immediately or rinse off in the nearest clean water, including springs, streams, lakes or other sources if more readily available than decontamination supplies, and as soon as possible, wash or shower with soap and water, shampoo hair, and change into clean clothes.

(x) How and when to obtain emergency medical care.

(xi) When working in pesticide treated areas, wear work clothing that protects the body from pesticide residues and wash hands before eating, drinking, using chewing gum or tobacco, or using the toilet.

**Note:** Consider including other activities that could be a route of exposure such as using a phone or cell phone, or tablet, applying makeup, and getting into a personal vehicle.

(xii) Wash or shower with soap and water, shampoo hair, and change into clean clothes as soon as possible after working in pesticide treated areas.

(xiii) Potential hazards from pesticide residues on clothing.

(xiv) Wash work clothes before wearing them again and wash them separately from other clothes.

(xv) Do not take pesticides or pesticide containers used at work to your home.

(xvi) Safety data sheets (SDSs) provide hazard, emergency medical treatment and other information about the pesticides used on the establishment they may come in contact with. The responsibility of agricultural employers to do all of the following:

(A) Display safety data sheets (SDSs) for all pesticides used on the establishment.

(B) Provide workers and handlers information about the location of the safety data sheets (SDSs) on the establishment.

(C) Provide workers and handlers unimpeded access to safety data sheets (SDSs) during normal work hours.

(xvii) This section prohibits agricultural employers from allowing or directing any worker to mix, load or apply pesticides or assist in the application of pesticides unless the worker has been trained as a handler.

(xviii) The responsibility of agricultural employers to provide specific information to workers before directing them to perform early entry activities. Workers must be eighteen years old to perform early entry activities.

(xix) Potential hazards to children and pregnant women from pesticide exposure.

(xx) Keep children and nonworking family members away from pesticide treated areas.

(xxi) After working in pesticide treated areas, remove work boots or shoes before entering your home, and remove work clothes and wash or shower before physical contact with children or family members.

(xxii) How to report suspected pesticide use violations to the Washington state department of agriculture.

(xxiii) This section prohibits agricultural employers from intimidating, threatening, coercing, or discriminating against any worker or handler for complying with or attempting to comply with the requirements of this chapter part, or because the worker or handler provided, caused to be pro-

vided or is about to provide information to the employer, the EPA or its agents, or any duly authorized representative of the Washington state department of agriculture regarding conduct that the employee reasonably believes violates this chapter part, and/or made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing concerning compliance with this chapter part.

(d) The person who conducts the training must meet one of the following criteria:

(i) Be currently designated as a trainer of certified applicators or pesticide handlers by the Washington state department of agriculture in accordance with chapters 15.58 and 17.21 RCW; or

(ii) Have completed a pesticide safety train-the-trainer program approved by the Washington state department of agriculture in accordance with chapters 15.58 and 17.21 RCW; or

(iii) Be currently certified as an applicator of restricted use pesticides under chapter 17.21 RCW.

(4) Recordkeeping.

(a) For each worker required to be trained under subsection (1) of this section, the agricultural employer must maintain on the agricultural establishment, for two years from the date of the training, a record documenting each worker's training including all of the following:

(i) The trained worker's printed name and signature.

(ii) The date of the training.

(iii) Information identifying which EPA-approved training materials were used.

(iv) The trainer's name and documentation showing that the trainer met the requirements of subsection (3)(d) of this section at the time of training.

(v) The agricultural employer's name.

(b) An agricultural employer who provides, directly or indirectly, training required under subsection (1) of this section must provide to the worker upon request a copy of the record of the training that contains the information required under (a) of this subsection.

#### NEW SECTION

**WAC 296-307-10910 Establishment-specific information for workers—40 C.F.R., Sec. 170.403.** Before any worker performs any activity in a treated area on an agricultural establishment where within the last thirty days a pesticide product has been used, or a restricted-entry interval for such pesticide has been in effect, the agricultural employer must ensure that the worker has been informed of, in a manner the worker can understand, all of the following establishment-specific information:

(1) The location of pesticide safety information required in WAC 296-307-10830(1).

(2) The location of pesticide application and hazard information required in WAC 296-307-10830(2).

(3) The location of decontamination supplies required in WAC 296-307-10930.

#### NEW SECTION

**WAC 296-307-10915 Entry restrictions associated with pesticide applications—40 C.F.R., Sec. 170.405.** (1) Outdoor production pesticide applications.

(a) During any outdoor production pesticide application, the agricultural employer must not allow or direct any worker or other person, other than an appropriately trained and equipped handler involved in the application, to enter or to remain in the treated area or an application exclusion zone (AEZ) that is within the boundaries of the establishment until the application is complete.

(b) A summary of outdoor production application exclusion zones (AEZ) can be found in Table 1 and is defined as follows:

(i) The application exclusion zone is the area that extends one hundred feet horizontally from the application equipment in all directions during application when the pesticide is applied by any of the following methods:

(A) Aerially.

(B) Air blast application.

(C) As a spray using a spray quality (droplet spectrum) of smaller than medium (volume median diameter of less than 294 microns).

(D) As a fumigant, smoke, mist, or fog.

(ii) The application exclusion zone is the area that extends twenty-five feet horizontally from the application equipment in all directions during application when the pesticide is applied not as in (a)(i)(A) through (D) of this subsection and is sprayed from a height of greater than twelve inches from the planting medium using a spray quality (droplet spectrum) of medium or larger (volume median diameter of 294 microns or greater).

(iii) There is no application exclusion zone when the pesticide is applied in a manner other than those covered in (a)(i) and (ii) of this subsection.

(c) During any outdoor production pesticide application, the agricultural employer must not allow or direct any worker or other person, other than an appropriately trained and equipped handler involved in the application, to enter or to remain in the treated area or an application exclusion zone that is within the boundaries of the establishment until the application is complete.

(d) After the application is complete, the area subject to the labeling-specified restricted-entry interval and the postapplication entry restrictions specified in WAC 296-307-10920 is the treated area.

**Table 1**  
**Entry Restrictions\* - During Outdoor Production Pesticide Application (AEZ)**

**Note:** This applies to the area within the boundaries of the establishment, outside establishment boundaries, the handler must suspend application long enough to ensure no contact with any persons within the AEZ (see WAC 296-307-11215 (1) and (2)). Subsection (1)(b) and (c) of this section. During pesticide application and after application is complete, pesticide labeling-specified restricted-entry intervals and post-application restrictions apply to the treated area.

<p><b>*During pesticides being applied:</b> (WAC 296-307-10915)</p>	<p><b>Prohibit workers and any persons, other than appropriately trained and equipped handlers, from being in the AEZ:</b></p>
<p>(A) Aerially (B) Air blast application (C) As a spray using a spray quality (droplet spectrum) of smaller than medium (volume median diameter of less than 294 microns) (D) As a fumigant, smoke, mist, fog, or aerosol</p>	<p><b>Area that extends 100 feet</b> horizontally in all directions from the application equipment until after the application is complete.</p>
<p>Not applied as (A), (B), (C), or (D) above and: - From a height of greater than 12 inches from the planting medium; and - As a spray using a medium or larger spray quality droplet spectrum of volume median diameter of 294 microns or greater.</p>	<p><b>Area that extends 25 feet</b> horizontally in all directions from the application equipment until after the application is complete.</p>
<p>- Otherwise - No AEZ</p>	<p>Follow applicable label directions for restricted-entry intervals.</p>

(2) Enclosed space production pesticide applications.  
 (a) During any enclosed space production pesticide application described in column 1 of Table 2 under (d) of this subsection, the agricultural employer must not allow or direct any worker or other person, other than an appropriately trained and equipped handler involved in the application, to enter or to remain in the application exclusion zone (AEZ) area specified in column 2 of Table 2 under (d) of this subsection during the application and until the time specified in column 3 of Table 2 under (d) of this subsection has expired.  
 (b) After the time specified in column 3 of Table 2 under (d) of this subsection has expired, the area subject to the labeling-specified restricted-entry interval and the postapplication entry restrictions specified in WAC 296-307-10920 is the area specified in column 4 of Table 2 under (d) of this subsection.  
 (c) When column 3 of Table 2 under (d) of this subsection specifies that ventilation criteria must be met, ventilation

must continue until the air concentration is measured to be equal to or less than the inhalation exposure level required by the labeling. If no inhalation exposure level is listed on the labeling, ventilation must continue until after one of the following conditions is met:  
 (i) Ten air exchanges are completed.  
 (ii) Two hours of ventilation using fans or other mechanical ventilating systems.  
 (iii) Four hours of ventilation using vents, windows, or other passive ventilation.  
 (iv) Eleven hours with no ventilation followed by one hour of mechanical ventilation.  
 (v) Eleven hours with no ventilation followed by two hours of passive ventilation.  
 (vi) Twenty-four hours with no ventilation.  
 (d) The following table applies to (a), (b), and (c) of this subsection.

**Table 2**  
**Entry Restrictions During Enclosed Space Production Pesticide Applications**

<p><b>1. When a pesticide is applied:</b></p>	<p><b>2. Prohibit workers and any persons, other than appropriately trained and equipped handlers, from being in the AEZ:</b></p>	<p><b>3. Until:</b></p>	<p><b>4. After the expiration of time specified in column 3, the area subject to the restricted-entry interval is:</b></p>
<p>(a) As a fumigant.</p>	<p>Entire enclosed space plus any adjacent structure or area that cannot be sealed off from the treated area.</p>	<p>The ventilation criteria of subsection (2)(c) of this section are met.</p>	<p>No postapplication entry restrictions required by WAC 296-307-10920 after criteria in column 3 are met.</p>

(b) As a: (i) Smoke; or (ii) Mist; or (iii) Fog; or (iv) Spray using a spray quality (droplet spectrum) of smaller than medium (volume median diameter of less than 294 microns).	Entire enclosed space.	The ventilation criteria of subsection (2)(c) of this section are met.	Entire enclosed space.
(c) Not as in (a) or (b) above, the pesticide product label requires a respirator during application.	Entire enclosed space.	The ventilation criteria of subsection (2)(c) of this section are met.	Treated area.
(d) Not as in (a), (b), or (c), above and: (i) From a height of greater than 12 inches from the planting medium; or (ii) As a spray using a spray quality (droplet spectrum) of medium or larger (volume median diameter of 294 microns or greater).	Treated area plus 25 feet in all directions of the treated area, but not outside the enclosed space.	Application is complete.	Treated area.
(e) Otherwise.	Treated area.	Follow any applicable label restrictions for reentry.	Otherwise no AEZ.

NEW SECTION

**WAC 296-307-10920 Worker entry restrictions after pesticide applications—40 C.F.R., Sec. 170.407.** (1) After the application of any pesticide to an area of outdoor production, the agricultural employer must not allow or direct any worker to enter or to remain in the treated area before the restricted-entry interval specified on the pesticide product labeling has expired and all treated area warning signs have been removed or covered, except for early entry activities permitted in WAC 296-307-11410.

(2) After the application of any pesticide to an area of enclosed space production, the agricultural employer must not allow or direct any worker to enter or to remain in the areas specified in column 4 of the table in WAC 296-307-10915 (2)(d), before the restricted-entry interval specified on the pesticide product labeling has expired and all treated area warning signs have been removed or covered, except for early entry activities permitted in WAC 296-307-11410.

(3) When two or more pesticides are applied to a treated area at the same time, the applicable restricted-entry interval is the longest of all applicable restricted-entry intervals.

(4) When two or more pesticides are applied to a treated area at the same time, the employer must provide and ensure employees, workers and handlers wear the applicable PPE to protect against all of the pesticides as a mixture and combined product.

NEW SECTION

**WAC 296-307-10925 Oral and posted notification of worker entry restrictions—40 C.F.R., Sec. 170.409.** (1) General requirement. The agricultural employer must notify workers of all entry restrictions required in WAC 296-307-10915 and 296-307-10920 in accordance with this section.

(a) Type of notification required:

(i) Double notification. If the pesticide product labeling has a statement requiring both the posting of treated areas and oral notification to workers, the agricultural employer must post signs in accordance with subsection (2) of this section and must also provide oral notification of the application to workers in accordance with subsection (3) of this section.

(ii) Outdoor production areas subject to restricted-entry intervals greater than forty-eight hours. If a pesticide with product labeling that requires a restricted-entry interval greater than forty-eight hours is applied to an outdoor production area, the agricultural employer must notify workers of the application by posting warning signs in accordance with subsection (2) of this section.

(iii) Outdoor production areas subject to restricted-entry intervals equal to or less than forty-eight hours. If a pesticide with product labeling that requires a restricted-entry interval equal to or less than forty-eight hours is applied to an outdoor production area, the agricultural employer must notify workers of the application either by posting warning signs in accordance with subsection (2) of this section or by providing

workers with an oral warning in accordance with subsection (3) of this section.

(iv) Enclosed space production areas subject to restricted-entry intervals greater than four hours. If a pesticide with product labeling that requires a restricted-entry interval greater than four hours is applied to an enclosed space production area, the agricultural employer must notify workers of the application by posting warning signs in accordance with subsection (2) of this section.

(v) Enclosed space production areas subject to restricted-entry intervals equal to or less than four hours. If a pesticide with product labeling that requires a restricted-entry interval equal to or less than four hours is applied to an enclosed space production area, the agricultural employer must notify workers of the application either by posting warning signs in accordance with subsection (2) of this section or by providing workers with an oral warning in accordance with subsection (3) of this section.

(b) Exceptions. Notification does not need to be given to a worker if the agricultural employer can ensure that one of the following is met:

(i) From the start of the application in an enclosed space production area until the end of any restricted-entry interval, the worker will not enter any part of the entire enclosed structure or space.

(ii) From the start of the application to an outdoor production area until the end of any restricted-entry interval, the worker will not enter, work in, remain in, or pass on foot through the treated area or any area within one-quarter mile of the treated area on the agricultural establishment.

(iii) The worker was involved in the application of the pesticide as a handler, and is aware of all information required in subsection (3)(a) of this section.

(2) Requirements for posted warning signs. If notification by posted warning signs is required pursuant to subsection (1) of this section, the agricultural employer must, unless otherwise prescribed by the label, ensure that all warning signs meet the requirements of this subsection. When several contiguous areas are to be treated with pesticides on a rotating or sequential basis, the entire area may be posted. Worker entry is prohibited for the entire area while the signs are posted, except for entry permitted in WAC 296-307-11410.

(a) General. The warning signs must meet all of the following requirements:

(i) Be one of the three sizes specified in (c) of this subsection and comply with the posting placement and spacing requirements applicable to that sign size.

(ii) Be posted prior to but no earlier than twenty-four hours before the scheduled application of the pesticide.

(iii) Remain posted throughout the application and any restricted-entry interval.

(iv) Be removed or covered within three days after the end of the application or any restricted-entry interval, whichever is later.

(v) Remain visible and legible during the time they are required to be posted.

(b) Content.

(i) The warning sign must have a white background. The words "DANGER" and "PELIGRO," plus "PESTICIDES" and "PESTICIDAS," must be at the top of the sign, and the words "KEEP

OUT" and "NO ENTRE" must be at the bottom of the sign. Letters for all words must be clearly legible. A circle containing an upraised hand on the left and a stern face on the right must be near the center of the sign. The inside of the circle must be red, except that the hand and a large portion of the face must be in white. The length of the hand must be at least twice the height of the smallest letters. The length of the face must be only slightly smaller than the hand. Additional information such as the name of the pesticide and the date of application may appear on the warning sign if it does not detract from the size and appearance of the sign or change the meaning of the required information. An example of a warning sign meeting these requirements, other than the size and color requirements, follows:



(ii) The agricultural employer may replace the Spanish language portion of the warning sign with equivalent terms in an alternative non-English language if that alternative language is the language read by the largest group of workers at that agricultural establishment who do not read English. The alternative language sign must be in the same format as the original sign and conform to all other requirements of (b)(i) of this subsection.

(c) Size and posting.

(i) The standard sign must be at least fourteen inches by sixteen inches with letters at least one inch in height.

(ii) When posting an outdoor production area using the standard sign, the signs must be visible from all reasonably expected points of worker entry to the treated area, including at least each access road, each border with any worker housing area within one hundred feet of the treated area and each footpath and other walking route that enters the treated area. Where there are no reasonably expected points of worker entry, signs must be posted in the corners of the treated area or in any other location affording maximum visibility.

(iii) When posting an enclosed space production area using the standard sign and the entire structure or space is subject to the labeling-specified restricted-entry interval and



the postapplication entry restrictions specified in WAC 296-307-10920, the signs must be posted so they are visible from all reasonably expected points of worker entry to the structure or space. When posting treated areas in enclosed space production using the standard sign and the treated area only comprises a subsection of the structure or space, the signs must be posted so they are visible from all reasonably expected points of worker entry to the treated area including each aisle or other walking route that enters the treated area. Where there are no reasonably expected points of worker entry to the treated area, signs must be posted in the corners of the treated area or in any other location affording maximum visibility.

(iv) If a smaller warning sign is used with "DANGER" and "PELIGRO" in letters at least seven-eighths inch in height and the remaining letters at least one-half inch in height and a red circle at least three inches in diameter containing an upraised hand and a stern face, the signs must be posted no farther than fifty feet apart around the perimeter of the treated area in addition to the locations specified in (c)(ii) or (iii) of this subsection.

(v) If a smaller sign is used with "DANGER" and "PELIGRO" in letters at least seven-sixteenths inch in height and the remaining letters at least one-quarter inch in height and a red circle at least one and one-half inches in diameter containing an upraised hand and a stern face, the signs must be posted no farther than twenty-five feet apart around the perimeter of the treated area in addition to the locations specified in (c)(ii) or (iii) of this subsection.

(vi) A sign with "DANGER" and "PELIGRO" in letters less than seven-sixteenths inch in height or with any words in letters less than one-quarter inch in height or a red circle smaller than one and one-half inches in diameter containing an upraised hand and a stern face will not satisfy the requirements of this chapter part.

(3) Oral warnings - Requirement. If oral notification is required pursuant to subsection (1) of this section, the agricultural employer must provide oral warnings to workers in a manner that the workers can understand. If a worker will be on the establishment when an application begins, the warning must be given before the application begins. If a worker arrives on the establishment while an application is taking place or a restricted-entry interval for a pesticide application is in effect, the warning must be given at the beginning of the worker's work period. The warning must include all of the following:

(a) The location(s) and description of any treated area(s) subject to the entry restrictions during and after application specified in WAC 296-307-10915 and 296-307-10920.

(b) The dates and times during which entry is restricted in any treated area(s) subject to the entry restrictions during and after application specified in WAC 296-307-10915 and 296-307-10920.

(c) Instructions not to enter the treated area or an application exclusion zone during application, and that entry to the treated area is not allowed until the restricted-entry interval has expired and all treated area warning signs have been removed or covered, except for entry permitted by WAC 296-307-11410.

#### NEW SECTION

**WAC 296-307-10930 Decontamination supplies for workers—40 C.F.R., Sec. 170.411.** (1) Requirement. The agricultural employer must provide decontamination supplies for routine washing and emergency decontamination in accordance with this section for any worker on an agricultural establishment who is performing an activity in an area where a pesticide was applied and who contacts anything that has been treated with the pesticide including, but not limited to, soil, water, and plants.

(2) Materials and quantities. The decontamination supplies required in subsection (1) of this section must provide adequate water at a minimum to include at least one gallon of water per worker at the beginning of each worker's work period for routine washing and emergency decontamination, soap, and single-use towels. The supplies must meet all of the following requirements:

(a) Water. At all times when this part requires agricultural employers to make water available to workers, the agricultural employer must ensure that it is of a quality and temperature that will not cause illness or injury when it contacts the skin or eyes or if it is swallowed. If a water source is used for mixing pesticides, it must not be used for decontamination, unless equipped with properly functioning valves or other mechanisms that prevent contamination of the water with pesticides, such as anti-backflow siphons, one-way or check valves, or an air gap sufficient to prevent contamination.

(b) Soap and single-use towels. The agricultural employer must provide soap and single-use towels for drying in quantities sufficient to meet the workers' reasonable needs. Hand sanitizing gels and liquids or wet towelettes do not meet the requirement for soap. Wet towelettes do not meet the requirement for single-use towels.

(3) Timing.

(a) If any pesticide with a restricted-entry interval greater than four hours was applied, the decontamination supplies must be provided from the time workers first enter the treated area until at least thirty days after the restricted-entry interval expires.

(b) If the only pesticides applied in the treated area are products with restricted-entry intervals of four hours or less, the decontamination supplies must be provided from the time workers first enter the treated area until at least seven days after the restricted-entry interval expires.

(4) Location. The decontamination supplies must be located together outside any treated area or area subject to a restricted-entry interval, and must be reasonably accessible to the workers. The decontamination supplies must not be more than one-quarter mile from where workers are working, except that where workers are working more than one-quarter mile from the nearest place of vehicular access or more than one-quarter mile from any nontreated area, the decontamination supplies may be at the nearest place of vehicular access outside any treated area or area subject to a restricted-entry interval.

(5) Decontamination after early entry activities. At the end of any exposure period for workers engaged in early entry activities permitted by WAC 296-307-11415 and involving contact with anything that has been treated with the

pesticide to which the restricted-entry interval applies including, but not limited to, soil, water, air, or surfaces of plants, the agricultural employer shall provide, at the site where the workers remove personal protective equipment, soap, clean towels, and an adequate amount of water so that the workers may wash thoroughly. At least ten gallons of water for one employee and twenty gallons of water for two or more employees shall be provided at early entry sites that do not have running water.

#### NEW SECTION

#### **WAC 296-307-112 Requirements for protection of agricultural pesticide handlers.**

#### NEW SECTION

**WAC 296-307-11205 Training requirements for handlers—40 C.F.R., Sec. 170.501.** (1) General requirement. Before any handler performs any handler activity involving a pesticide product, the handler employer must ensure that the handler has been trained in accordance with this section within the last twelve months, except as provided in subsection (2) of this section.

**Note:** In addition to the training required by this section, the agricultural employer shall assure without exception, that all employees are trained in accordance with chapter 296-901 WAC, Globally harmonized system for hazard communication.

(2) Exceptions. The following handlers need not be trained under this section:

(a) A handler who is currently certified as an applicator of restricted use pesticides under chapter 17.21 RCW.

(b) A handler who is certified or licensed as a crop advisor by the Washington state department of agriculture under RCW 15.58.230, provided that a requirement for such certification or licensing is pesticide safety training that includes all the topics set out in subsection (3)(b) or (c) of this section as applicable depending on the date of training.

(3) Training programs.

(a) Pesticide safety training must be presented to handlers either orally from written materials or audio-visually, at a location that is reasonably free from distraction and conducive to training. All training materials must be EPA-approved. The training must be presented in a manner that the handlers can understand, such as through a translator. The training must be conducted by a person who meets the handler trainer requirements of (d) of this subsection, and who must be present during the entire training program and must respond to handlers' questions.

(b) The pesticide safety training materials must include, at a minimum, all of the following topics:

(i) Format and meaning of information contained on pesticide labels and in labeling, including safety information such as precautionary statements about human health hazards.

(ii) Hazards of pesticides resulting from toxicity and exposure, including acute and chronic effects, delayed effects, and sensitization.

(iii) Routes by which pesticides can enter the body.

(iv) Signs and symptoms of common types of pesticide poisoning.

(v) Emergency first aid for pesticide injuries or poisonings.

(vi) How to obtain emergency medical care.

(vii) Routine and emergency decontamination procedures.

(viii) Need for and appropriate use of personal protective equipment.

(ix) Prevention, recognition, and first-aid treatment of heat-related illness.

(x) Safety requirements for handling, transporting, storing, and disposing of pesticides, including general procedures for spill cleanup.

(xi) Environmental concerns such as drift, runoff, and wildlife hazards.

(xii) Warnings about taking pesticides or pesticide containers home.

(xiii) Requirements of this section that must be followed by handler employers for the protection of handlers and other persons, including the prohibition against applying pesticides in a manner that will cause contact with workers or other persons, the requirement to use personal protective equipment, the provisions for training and decontamination, and the protection against retaliatory acts.

(c) EPA intends to make available to the public training materials that may be used to conduct training conforming to the requirements of this section. Within one hundred eighty days after a notice of availability of such training materials appears in the *Federal Register*, training programs required under this section must include, at a minimum, all of the topics listed in (c)(i) through (xiv) of this subsection instead of the points listed in (b)(i) through (xiii) of this subsection.

(i) All the topics required in WAC 296-307-10905 (3)(c).

(ii) Information on proper application and use of pesticides.

(iii) Handlers must follow the portions of the labeling applicable to the safe use of the pesticide.

(iv) Format and meaning of information contained on pesticide labels and in labeling applicable to the safe use of the pesticide.

(v) Need for and appropriate use and removal of all personal protective equipment.

(vi) How to recognize, prevent, and provide first-aid treatment for heat-related illness.

(vii) Safety requirements for handling, transporting, storing, and disposing of pesticides, including general procedures for spill cleanup.

(viii) Environmental concerns, such as drift, runoff, and wildlife hazards.

(ix) Handlers must not apply pesticides in a manner that results in contact with workers or other persons.

(x) The responsibility of handler employers to provide handlers with information and protections designed to reduce work-related pesticide exposures and illnesses. This includes providing, cleaning, maintaining, storing, and ensuring proper use of all required personal protective equipment; providing decontamination supplies; and providing specific information about pesticide use and labeling information.

(xi) Handlers must suspend a pesticide application if workers or other persons are in the application exclusion zone.

(xii) Handlers must be at least eighteen years old.

(xiii) The responsibility of handler employers to ensure handlers have received respirator fit-testing, training and medical evaluation if they are required to wear a respirator by the product labeling.

(xiv) The responsibility of agricultural employers to post treated areas as required by this part.

(d) The person who conducts the training must have one of the following qualifications:

(i) Be currently designated as a trainer of certified applicators or pesticide handlers by the Washington state department of agriculture under chapter 15.58 or 17.21 RCW; or

(ii) Have completed a pesticide safety train-the-trainer program approved by a state, federal, or tribal agency having jurisdiction.

(iii) Be currently certified as an applicator of restricted use pesticides under chapter 17.21 RCW.

(4) Recordkeeping.

(a) Handler employers must maintain records of training for handlers employed by their establishment for two years after the date of the training. The records must be maintained on the establishment and must include all of the following information:

(i) The trained handler's printed name and signature.

(ii) The date of the training.

(iii) Information identifying which EPA-approved training materials were used.

(iv) The trainer's name and documentation showing that the trainer met the requirements of subsection (3)(d) of this section at the time of training.

(v) The handler employer's name.

(b) The handler employer must, upon request by a handler trained on the establishment, provide to the handler a copy of the record of the training that contains the information required under (a) of this subsection.

#### NEW SECTION

**WAC 296-307-11210 Knowledge of labeling, application-specific, and establishment-specific information for handlers—40 C.F.R., Sec. 170.503. (1) Knowledge of labeling and application-specific information.**

(a) The handler employer must ensure that before any handler performs any handler activity involving a pesticide product, the handler either has read the portions of the labeling applicable to the safe use of the pesticide or has been informed in a manner the handler can understand of all labeling requirements and use directions applicable to the safe use of the pesticide.

(b) The handler employer must ensure that the handler has access to the applicable product labeling at all times during handler activities.

(c) The handler employer must ensure that the handler is aware of requirements for any entry restrictions, application exclusion zones and restricted-entry intervals as described in WAC 296-307-10915 and 296-307-10920 that may apply based on the handler's activity.

#### **(2) Knowledge of establishment-specific information.**

Before any handler performs any handler activity on an agricultural establishment where within the last thirty days a pesticide product has been used, or a restricted-entry interval for such pesticide has been in effect, the handler employer must ensure that the handler has been informed, in a manner the handler can understand, all of the following establishment-specific information:

(a) The location of pesticide safety information required in WAC 296-307-10830(1).

(b) The location of pesticide application and hazard information required in WAC 296-307-10830(2).

(c) The location of decontamination supplies required in WAC 296-307-11225.

#### NEW SECTION

**WAC 296-307-11215 Requirements during applications to protect handlers, workers, and other persons—40 C.F.R., Sec. 170.505. (1) Prohibition from contacting workers and other persons with pesticides during application.**

The handler employer and the handler must ensure that no pesticide is applied so as to contact, directly or through drift, any worker or other person, other than an appropriately trained and equipped handler involved in the application.

(2) Suspending applications. The handler performing the application must immediately suspend a pesticide application if any worker or other person, other than an appropriately trained and equipped handler involved in the application, is in the application exclusion zone described in WAC 296-307-10915 (1)(a) or the area specified in column 2 of the table in WAC 296-307-10915 (2)(d).

(3) Handlers using highly toxic pesticides. The handler employer must ensure that any handler who is performing any handler activity with a pesticide product that has the skull-and-crossbones symbol on the front panel of the pesticide product label is monitored visually or by voice communication at least every two hours.

(4) Fumigant applications in enclosed space production. The handler employer must ensure all of the following:

(a) Any handler in an enclosed space production area during a fumigant application maintains continuous visual or voice contact with another handler stationed immediately outside of the enclosed space.

(b) The handler stationed outside the enclosed space has immediate access to and uses the personal protective equipment required by the fumigant labeling for applicators in the event that entry becomes necessary for rescue.

#### NEW SECTION

**WAC 296-307-11220 Personal protective equipment—40 C.F.R., Sec. 170.507. (1) Handler responsibilities.**

Any person who performs handler activities involving a pesticide product must use the clothing and personal protective equipment specified on the pesticide product labeling for use of the product, except as provided in WAC 296-307-11420.

(2) Employer responsibilities for providing personal protective equipment. The handler employer must provide to the handler the personal protective equipment required by the pesticide product labeling in accordance with this section.

The handler employer must ensure that the personal protective equipment fits, is clean and in proper operating condition. When two or more pesticides are applied to a treated area at the same time, the employer must ensure employees, workers and handlers wear the applicable PPE that would protect against all of the pesticides as a mixture and combined product. For the purposes of this section, long-sleeved shirts, short-sleeved shirts, long pants, short pants, shoes, and socks are not considered personal protective equipment, although such work clothing must be worn if required by the pesticide product labeling.

(a) If the pesticide product labeling requires that "chemical-resistant" personal protective equipment be worn, it must be made of material that allows no measurable movement of the pesticide being used through the material during use.

(b) If the pesticide product labeling requires that "waterproof" personal protective equipment be worn, it must be made of material that allows no measurable movement of water or aqueous solutions through the material during use.

(c) If the pesticide product labeling requires that a "chemical-resistant suit" be worn, it must be a loose-fitting, one- or two-piece chemical-resistant garment that covers, at a minimum, the entire body except head, hands, and feet.

(d) If the pesticide product labeling requires that "coveralls" be worn, they must be loose-fitting, one- or two-piece garments that cover, at a minimum, the entire body except head, hands, and feet.

(e) Gloves must be the type specified on the pesticide product labeling.

(i) Gloves made of leather, cotton, or other absorbent materials may not be worn while performing handler activities unless gloves made of these materials are listed as acceptable for such use on the pesticide product labeling.

(ii) Separable glove liners may be worn beneath chemical-resistant gloves, unless the pesticide product labeling specifically prohibits their use. Separable glove liners are defined as separate glove-like hand coverings, made of light-

weight material, with or without fingers. Work gloves made from lightweight cotton or poly-type material are considered to be glove liners if worn beneath chemical-resistant gloves. Separable glove liners may not extend outside the chemical-resistant gloves under which they are worn. Chemical-resistant gloves with nonseparable absorbent lining materials are prohibited.

(iii) If used, separable glove liners must be discarded immediately after a total of no more than ten hours of use or within twenty-four hours of when first put on, whichever comes first. The liners must be replaced immediately if directly contacted by pesticide. Used glove liners must not be reused. Contaminated liners must be disposed of in accordance with any federal, state, or local regulations.

(f) If the pesticide product labeling requires that "chemical-resistant footwear" be worn, one of the following types of footwear must be worn:

(i) Chemical-resistant shoes.

(ii) Chemical-resistant boots.

(iii) Chemical-resistant shoe coverings worn over shoes or boots.

(g) If the pesticide product labeling requires that "protective eyewear" be worn, one of the following types of eyewear must be worn:

(i) Goggles.

(ii) Face shield.

(iii) Safety glasses with front, brow, and temple protection.

(iv) Full-face respirator.

(h) If the pesticide product labeling requires that a "chemical-resistant apron" be worn, a chemical-resistant apron that covers the front of the body from mid-chest to the knees must be worn.

(i) If the pesticide product labeling requires that "chemical-resistant headgear" be worn, it must be either a chemical-resistant hood or a chemical-resistant hat with a wide brim.

**Table 3**  
**Chemical Resistance Category Selection Chart for Gloves**

(For use when selecting glove types to be listed in the PPE section on pesticide label. Only select glove(s) that indicate a high level of chemical resistance.)

**Note:** This table below provides examples of categories of chemical resistant materials that can be used to protect against different kinds of pesticides.

Solvent Category (see Table 4)	Barrier Laminate	Butyl Rubber ≥ 14 mils	Nitrile Rubber ≥ 14 mils	Neoprene Rubber ≥ 14 mils	Natural Rubber* ≥ 14 mils	Polyethylene	Polyvinyl Chloride (PVC) ≥ 14 mils	Viton ≥ 14 mils
A (dry and water-based formulations)	high	high	high	high	high	high	high	high
B	high	high	slight	slight	none	slight	slight	slight
C	high	high	high	high	moderate	moderate	high	high
D	high	high	moderate	moderate	none	none	none	slight
E	high	slight	high	high	slight	none	moderate	high
F	high	high	high	moderate	slight	none	slight	high
G	high	slight	slight	slight	none	none	none	high

Solvent Category (see Table 4)	Barrier Laminate	Butyl Rubber ≥ 14 mils	Nitrile Rubber ≥ 14 mils	Neoprene Rubber ≥ 14 mils	Natural Rubber* ≥ 14 mils	Poly-ethylene	Polyvinyl Chloride (PVC) ≥ 14 mils	Viton ≥ 14 mils
H	high	slight	slight	slight	none	none	none	high

\* Includes natural rubber blends and laminates.

**HIGH:** Highly chemical-resistant. Clean or replace PPE at end of each day's work period. Rinse off pesticides at rest breaks.

**MODERATE:** Moderately chemical-resistant. Clean or replace within an hour or two of contact.

**SLIGHT:** Slightly chemical-resistant. Clean or replace within ten minutes of contact.

**NONE:** No chemical-resistance.

(j) The respirator specified by the pesticide product labeling must be used. If the label does not specify the type of respirator to be used, it shall meet the requirements of Part Y-5 of this chapter. Whenever a respirator is required by the pesticide product labeling, the handler employer must ensure that the requirements of (j)(i) through (iii) of this subsection are met before the handler performs any handler activity where the respirator is required to be worn. The respiratory protection requirements of Part Y-5 of this chapter shall apply. The handler employer must maintain for two years, on the establishment, records documenting the completion of the requirements of (j)(i) through (iii) of this subsection.

(i) The handler employer shall assure that the respirator fits correctly by using the procedures consistent with Part Y-5 of this chapter.

(ii) Handler employers must provide handlers with training in the use of the respirator specified on the pesticide product labeling in a manner that conforms to the provisions of Part Y-5 of this chapter.

(iii) Handler employers must provide handlers with a medical evaluation by a physician or other licensed health care professional that conforms to the provisions of WAC 296-307-604 to ensure the handler's physical ability to safely wear the respirator specified on the pesticide product labeling.

(3) Use of personal protective equipment.

(a) The handler employer must ensure that personal protective equipment is used correctly for its intended purpose and is used according to the manufacturer's instructions.

(b) The handler employer must ensure that, before each day of use, all personal protective equipment is inspected for leaks, holes, tears, or worn places, and any damaged equipment is repaired or discarded.

(4) Cleaning and maintenance.

(a) The handler employer must ensure that all personal protective equipment is cleaned according to the manufacturer's instructions or pesticide product labeling instructions before each day of reuse. In the absence of any such instructions, it must be washed thoroughly in detergent and hot water.

(b) If any personal protective equipment cannot or will not be cleaned properly, the handler employer must ensure the contaminated personal protective equipment is made unusable as apparel or is made unavailable for further use by employees or third parties. The contaminated personal protective equipment must be disposed of in accordance with

any applicable laws or regulations. Coveralls or other absorbent materials that have been drenched or heavily contaminated with a pesticide that has the signal word "DANGER" or "WARNING" on the label must not be reused and must be disposed of as specified in this subsection. Handler employers must ensure that any person who handles contaminated personal protective equipment described in this subsection wears the gloves specified on the pesticide product labeling for mixing and loading the product(s) comprising the contaminant(s) on the equipment. If two or more pesticides are included in the contaminants, the gloves worn must meet the requirements for mixing and loading all of the pesticide products.

(c) The handler employer must ensure that contaminated personal protective equipment is kept separate from noncontaminated personal protective equipment, other clothing or laundry and washed separately from any other clothing or laundry.

(d) The handler employer must ensure that all washed personal protective equipment is dried thoroughly before being stored or reused.

(e) The handler employer must ensure that all clean personal protective equipment is stored separately from personal clothing and apart from pesticide-contaminated areas.

(f) The handler employer must ensure that when filtering facepiece respirators are used, they are replaced when one of the following conditions is met:

(i) When breathing resistance becomes excessive.

(ii) When the filter element has physical damage or tears.

(iii) According to manufacturer's recommendations or pesticide product labeling, whichever is more frequent.

(iv) In the absence of any other instructions or indications of service life, at the end of each day's work period.

(g) The handler employer must ensure that when gas- or vapor-removing respirators are used, the gas- or vapor-removing canisters or cartridges are replaced before further respirator use when one of the following conditions is met:

(i) At the first indication of odor, taste, or irritation.

(ii) When the maximum use time is reached as determined by a change schedule conforming to the provisions of Part Y-5 of this chapter.

(iii) When breathing resistance becomes excessive.

(iv) When required according to manufacturer's recommendations or pesticide product labeling instructions, whichever is more frequent.

(v) In the absence of any other instructions or indications of service life, at the end of each day's work period.

(h) The handler employer must inform any person who cleans or launders personal protective equipment of all the following:

(i) That such equipment may be contaminated with pesticides and there are potentially harmful effects from exposure to pesticides.

(ii) The correct way(s) to clean personal protective equipment and how to protect themselves when handling such equipment.

(iii) Proper decontamination procedures that should be followed after handling contaminated personal protective equipment.

(i) The handler employer must ensure that handlers have a place(s) away from pesticide storage and pesticide use areas where they may do all of the following:

(i) Store personal clothing not worn during handling activities.

(ii) Put on personal protective equipment at the start of any exposure period.

(iii) Remove personal protective equipment at the end of any exposure period.

(j) The handler employer must not allow or direct any handler to wear home or to take home employer-provided personal protective equipment contaminated with pesticides.

(5) Heat-related illness. Where a pesticide's labeling requires the use of personal protective equipment for a handler activity, the handler employer must ensure that no handler is allowed or directed to wear personal protective equipment without implementing measures sufficient to prevent heat-related illness and that each handler is instructed in the prevention, recognition, and first-aid treatment of heat-related illness.

**Note:** Additional requirements in WAC 296-307-097 Outdoor heat exposure, may apply between May 1st and September 30th of each year. See Part G-1.

## NEW SECTION

### **WAC 296-307-11225 Decontamination and eye flushing supplies for handlers—40 C.F.R., Sec. 170.509.**

(1) Requirement. The handler employer must provide decontamination and eye flushing supplies in accordance with this section for any handler that is performing any handler activity or removing personal protective equipment at the place for changing required in WAC 296-307-11220 (4)(i).

(2) General conditions. The decontamination supplies required in subsection (1) of this section must include: At the site where handlers remove personal protective equipment, soap, clean towels, and a sufficient amount of water so that the handlers may wash thoroughly. At least ten gallons of water for one employee and twenty gallons of water for two or more employees shall be provided at mixing and loading sites that do not have running water. The decontamination and eye flushing supplies required in subsection (1) of this section must meet all of the following requirements:

(a) Water. At all times when this section requires handler employers to make water available to handlers for routine washing, emergency decontamination or eye flushing, the

handler employer must ensure that it is of a quality and temperature that will not cause illness or injury when it contacts the skin or eyes or if it is swallowed. If a water source is used for mixing pesticides, it must not be used for decontamination or eye flushing supplies, unless equipped with properly functioning valves or other mechanisms that prevent contamination of the water with pesticides, such as anti-backflow siphons, one-way or check valves, or an air gap sufficient to prevent contamination.

(b) Soap and single-use towels. The handler employer must provide soap and single-use towels for drying in quantities sufficient to meet the handlers' needs. Hand sanitizing gels and liquids or wet towelettes do not meet the requirement for soap. Wet towelettes do not meet the requirement for single-use towels.

(c) Clean change of clothing. The handler employer must provide one clean change of clothing, such as coveralls, for use in an emergency.

(3) Location. The decontamination supplies must be located together outside any treated area or area subject to a restricted-entry interval, and must be reasonably accessible to each handler during the handler activity. The decontamination supplies must not be more than one-quarter mile from the handler, except that where the handler activity is more than one-quarter mile from the nearest place of vehicular access or more than one-quarter mile from any nontreated area, the decontamination supplies may be at the nearest place of vehicular access outside any treated area or area subject to a restricted-entry interval.

(a) Mixing sites. Decontamination supplies must be provided at any mixing site.

(b) Exception for pilots. Decontamination supplies for a pilot who is applying pesticides aerially must be in the aircraft or at the aircraft loading site.

(c) Exception for treated areas. The decontamination supplies must be outside any treated area or area subject to a restricted-entry interval, unless the soap, single-use towels, water and clean change of clothing are protected from pesticide contamination in closed containers.

(4) Emergency eye-flushing.

(a) Whenever a handler is mixing or loading a pesticide product whose labeling requires protective eyewear for handlers, or is mixing or loading any pesticide using a closed system operating under pressure, the handler employer must provide at each mixing and loading station and handler decontamination sites, immediately available to the handler, at least one plumbed or portable eye wash system that is capable of delivering gently running water at a rate of at least 0.4 gallons (1.5 liters) per minute for at least fifteen minutes, at least six gallons of water. A plumbed or portable system meeting the above requirements shall be provided at all permanent mixing and loading sites.

(b) Whenever a handler is applying a pesticide product whose labeling requires protective eyewear for handlers, the handler employer must provide at least one pint of water per handler in portable containers that are immediately available to each handler.

NEW SECTION**WAC 296-307-114 Exemptions, exceptions and equivalency.**NEW SECTION**WAC 296-307-11405 Exemptions—40 C.F.R., Sec. 170.601.** (1) Exemption for owners of agricultural establishments and their immediate families.

(a) On any agricultural establishment where a majority of the establishment is owned by one or more members of the same immediate family, the owner(s) of the establishment are not required to provide the protections of the following sections to themselves or members of their immediate family when they are performing handling activities or tasks related to the production of agricultural plants that would otherwise be covered by this part on their own agricultural establishment.

- (i) WAC 296-307-10825 (6) through (10).
- (ii) WAC 296-307-10830.
- (iii) WAC 296-307-10905.
- (iv) WAC 296-307-10910.
- (v) WAC 296-307-10925.
- (vi) WAC 296-307-10930 and 296-307-11225.
- (vii) WAC 296-307-11205.
- (viii) WAC 296-307-11210.
- (ix) WAC 296-307-11215 (2) and (3) or 296-307-11220(4).
- (x) WAC 296-307-11220 (3) through (5).
- (xi) WAC 296-307-11415 (1) through (3) and (5) through (10).

(b) The owners of agricultural establishments must provide all of the applicable protections required by this part for any employees or other persons on the establishment that are not members of their immediate family.

(2) Exemption for certified crop advisors. Certified crop advisors may make their own determination for the appropriate personal protective equipment for entry into a treated area during a restricted-entry interval and substitute their self-determined set of personal protective equipment for the labeling-required personal protective equipment, and the requirements of WAC 296-307-10825 (5) and (6), 296-307-10835 (11), 296-307-11225(1), 296-307-11210, and 296-307-11225 do not apply to certified crop advisors provided the application is complete and all of the following conditions are met:

(a) The crop advisor is certified or licensed as a crop advisor by the Washington state department of agriculture.

(b) The certification or licensing program requires pesticide safety training that includes all the information in WAC 296-307-11205 (3)(b) or (c) as applicable depending on the date of training.

(c) The crop advisor who enters a treated area during a restricted-entry interval only performs crop advising tasks while in the treated area.

NEW SECTION**WAC 296-307-11410 Exceptions for entry by workers during restricted-entry intervals—40 C.F.R., Sec. 170.603.** An agricultural employer may direct workers to

enter treated areas where a restricted-entry interval is in effect to perform certain activities as provided in this section, provided that the agricultural employer ensures all of the applicable conditions of this section and WAC 296-307-11415 are met.

(1) Exception for activities with no contact. A worker may enter a treated area during a restricted-entry interval if the agricultural employer ensures that all of the following conditions are met:

(a) The worker will have no contact with anything that has been treated with the pesticide to which the restricted-entry interval applies including, but not limited to, soil, water, air, or surfaces of plants. This exception does not allow workers to perform any activities that involve contact with treated surfaces even if workers are wearing personal protective equipment.

(b) No such entry is allowed until any inhalation exposure level listed in the pesticide product labeling has been reached or any ventilation criteria required in WAC 296-307-10915 (2)(c) or the pesticide product labeling have been met, and either inhalation exposure levels are below PELs in WAC 296-307-624, Part Y-6 Respiratory hazards, or respiratory protection is provided and worn according to requirements in WAC 296-307-594, Part Y-5.

(2) Exception for short-term activities. A worker may enter a treated area during a restricted-entry interval for short-term activities, if the agricultural employer ensures that all of the following requirements are met:

(a) No hand labor activity is performed.

(b) The time in treated areas where a restricted-entry interval is in effect does not exceed one hour in any twenty-four-hour period for any worker.

(c) No such entry is allowed during the first four hours after the application ends.

(d) No such entry is allowed until any inhalation exposure level listed in the pesticide product labeling has been reached or any ventilation criteria required in WAC 296-307-10915 (2)(c) or the pesticide product labeling have been met, and either inhalation exposure levels are below PELs in WAC 296-307-624, Part Y-6 Respiratory hazards, or respiratory protection is provided and worn according to requirements in WAC 296-307-594, Part Y-5.

(3) Exception for an agricultural emergency.

(a) An agricultural emergency means a sudden occurrence or set of circumstances that the agricultural employer could not have anticipated and over which the agricultural employer has no control, that requires entry into a treated area during a restricted-entry interval, and when no alternative practices would prevent or mitigate a substantial economic loss. A substantial economic loss means a loss in profitability greater than that which would be expected based on the experience and fluctuations of crop yields in previous years. Only losses caused by the agricultural emergency specific to the affected site and geographic area are considered. Losses resulting from mismanagement cannot be included when determining whether a loss is substantial.

(b) A worker may enter a treated area where a restricted-entry interval is in effect in an agricultural emergency to perform tasks necessary to mitigate the effects of the agricultural

emergency, including hand labor tasks, if the agricultural employer ensures that all the following criteria are met:

(i) The Washington state department of agriculture declares an agricultural emergency that applies to the treated area, or agricultural employer has determined that the circumstances within the treated area are the same as circumstances the Washington state department of agriculture has previously determined would constitute an agricultural emergency.

(ii) The agricultural employer determines that the agricultural establishment is subject to the circumstances that result in an agricultural emergency meeting the criteria of (a) of this subsection.

(iii) If the labeling of any pesticide product applied to the treated area requires workers to be notified of the location of treated areas by both posting and oral notification, then the agricultural employer must ensure that no individual worker spends more than four hours out of any twenty-four-hour period in treated areas where such a restricted-entry interval is in effect.

(iv) No such entry is allowed during the first four hours after the application ends.

(v) No such entry is allowed until any inhalation exposure level listed in the pesticide product labeling has been reached or any ventilation criteria required in WAC 296-307-10915 (2)(c) the pesticide product labeling have been met, and either inhalation exposure levels are below PELs in WAC 296-307-624, Part Y-6 Respiratory hazards, or respiratory protection is provided and worn according to requirements in WAC 296-307-594, Part Y-5.

(vi) A decontamination site has been provided in accordance with WISHA regulations.

(4) Exceptions for limited contact and irrigation activities. A worker may enter a treated area during a restricted-entry interval for limited contact or irrigation activities, if the agricultural employer ensures that all of the following requirements are met:

(a) No hand labor activity is performed.

(b) No worker is allowed in the treated area for more than eight hours in a twenty-four-hour period.

(c) No such entry is allowed during the first four hours after the application ends.

(d) No such entry is allowed until any inhalation exposure level listed in the pesticide product labeling has been reached or any ventilation criteria required in WAC 296-307-10915 (2)(c) or the pesticide product labeling have been met, and either inhalation exposure levels are below PELs in WAC 296-307-624, Part Y-6 Respiratory hazards, or respiratory protection is provided and worn according to requirements in WAC 296-307-594, Part Y-5.

(e) The task is one that, if not performed before the restricted-entry interval expires, would cause substantial economic loss, and there are no alternative tasks that would prevent substantial loss.

(f) With the exception of irrigation tasks, the need for the task could not have been foreseen.

(g) The worker has no contact with pesticide-treated surfaces other than minimal contact with feet, lower legs, hands, and forearms.

(h) The labeling of the pesticide product that was applied does not require that workers be notified of the location of treated areas by both posting and oral notification.

#### NEW SECTION

**WAC 296-307-11415 Agricultural employer responsibilities to protect workers entering treated areas during a restricted-entry interval—40 C.F.R., Sec. 170.605.** If an agricultural employer directs a worker to perform activities in a treated area where a restricted-entry interval is in effect, all of the following requirements must be met:

(1) The agricultural employer must ensure that the worker is at least eighteen years old.

(2) Prior to early entry, the agricultural employer must provide to each early entry worker the information described in (a) through (h) of this subsection. The information must be provided orally in a manner that the worker can understand.

(a) Location of early entry area where work activities are to be performed.

(b) Pesticide(s) applied.

(c) Dates and times that the restricted-entry interval begins and ends.

(d) Which exception in WAC 296-307-11410 is the basis for the early entry, and a description of tasks that may be performed under the exception.

(e) Whether contact with treated surfaces is permitted under the exception.

(f) Amount of time the worker is allowed to remain in the treated area.

(g) Personal protective equipment required by the pesticide product labeling for early entry.

(h) Location of the pesticide safety information required in WAC 296-307-10830(1) or 296-307-10835(1) and the location of the decontamination supplies required in subsection (8) of this section.

(3) Prior to early entry, the agricultural employer must ensure that each worker either has read the applicable pesticide product labeling or has been informed, in a manner that the worker can understand, of all labeling requirements and statements related to human hazards or precautions, first aid, and user safety.

(4) The agricultural employer must ensure that each worker who enters a treated area during a restricted-entry interval is provided the personal protective equipment specified in the pesticide product labeling for early entry. The agricultural employer must ensure that the worker uses the personal protective equipment as intended according to manufacturer's instructions and follows any other applicable requirements on the pesticide product labeling. Personal protective equipment must conform to the standards in WAC 296-307-11220 (2)(a) through (i).

(5) The agricultural employer must maintain the personal protective equipment in accordance with WAC 296-307-11220 (3) and (4).

(6) The agricultural employer must ensure that no worker is allowed or directed to wear personal protective equipment without implementing measures sufficient to prevent heat-related illness and that each worker is instructed in



the prevention, recognition, and first-aid treatment of heat-related illness.

(7)(a) The agricultural employer must instruct each worker on the proper use and removal of the personal protective equipment, and as appropriate, on its cleaning, maintenance and disposal. The agricultural employer must not allow or direct any worker to wear home or to take home employer-provided personal protective equipment contaminated with pesticides.

(b) Each worker is instructed in the prevention, recognition, and first-aid treatment of heat-related illness.

**Note:** Additional requirements in WAC 296-307-097 Outdoor heat exposure, may apply between May 1st and September 30th of each year. See Part G-1.

(8) During any early entry activity, the agricultural employer must provide decontamination supplies in accordance with WAC 296-307-11225, except the decontamination supplies must be outside any area being treated with pesticides or subject to a restricted-entry interval, unless the decontamination supplies would otherwise not be reasonably accessible to workers performing early entry tasks.

(9) If the pesticide product labeling of the product applied requires protective eyewear, the agricultural employer must provide at least one pint of water per worker in portable containers for eye flushing that is immediately available to each worker who is performing early entry activities.

(10) At the end of any early entry activities the agricultural employer must provide, at the site where the workers remove personal protective equipment, soap, single-use towels and an adequate amount of water so that the workers may wash thoroughly. At least ten gallons of water for one employee and twenty gallons of water for two or more employees shall be provided at early entry sites that do not have running water.

## NEW SECTION

**WAC 296-307-11420 Exceptions to personal protective equipment requirements specified on pesticide product labeling—40 C.F.R., Sec. 170.607.** (1) Body protection.

(a) A chemical-resistant suit may be substituted for coveralls. If a chemical-resistant suit is substituted for coveralls, any labeling requirement for an additional layer of clothing beneath the coveralls is waived.

(b) A chemical-resistant suit may be substituted for coveralls and a chemical-resistant apron.

(2) Boots. If chemical-resistant footwear with sufficient durability and a tread appropriate for wear in rough terrain is not obtainable, then leather boots may be worn in such terrain.

(3) Gloves. If chemical-resistant gloves with sufficient durability and suppleness are not obtainable, then during activities with plants with sharp thorns, leather gloves may be worn over chemical-resistant glove liners. However, once leather gloves are worn for this use, thereafter they must be worn only with chemical-resistant liners and they must not be worn for any other use.

(4) Closed systems.

(a) When pesticides are being mixed or loaded using a closed system that meets all of the requirements in (b) of this subsection, and the handler employer meets the requirements in (c) of this subsection, the following exceptions to labeling-specified personal protective equipment are permitted:

(i) Handlers using a closed system to mix or load pesticides with a signal word of "DANGER" or "WARNING" may substitute a long-sleeved shirt, long pants, shoes and socks, chemical-resistant apron, protective eyewear, and any protective gloves specified on the labeling for handlers for the labeling-specified personal protective equipment.

(ii) Handlers using a closed system to mix or load pesticides other than those specified in (a)(i) of this subsection may substitute protective eyewear, long-sleeved shirt, long pants, and shoes and socks for the labeling-specified personal protective equipment.

(b) The exceptions in (a) of this subsection apply only in the following situations:

(i) Where the closed system removes the pesticide from its original container and transfers the pesticide product through connecting hoses, pipes and couplings that are sufficiently tight to prevent exposure of handlers to the pesticide product, except for the negligible escape associated with normal operation of the system.

(ii) When loading intact, sealed, water soluble packaging into a mixing tank or system. If the integrity of a water soluble packaging is compromised (for example, if the packaging is dissolved, broken, punctured, torn, or in any way allows its contents to escape), it is no longer a closed system and the labeling-specified personal protective equipment must be worn.

(c) The exceptions in (a) of this subsection apply only where the handler employer has satisfied the requirements in WAC 296-307-10835 and all of the following conditions:

(i) Each closed system must have written operating instructions that are clearly legible and include: Operating procedures for use, including the safe removal of a probe; maintenance, cleaning and repair; known restrictions or limitations relating to the system, such as incompatible pesticides, sizes (or types) of containers or closures that cannot be handled by the system; any limits on the ability to measure a pesticide; and special procedures or limitations regarding partially filled containers.

(ii) The written operating instructions for the closed system must be available at the mixing or loading site and must be made available to any handlers who use the system.

(iii) Any handler operating the closed system must be trained in its use and operate the closed system in accordance with its written operating instructions.

(iv) The closed system must be cleaned and maintained as specified in the written operating instructions and as needed to make sure the system functions properly.

(v) All personal protective equipment specified in the pesticide product labeling is immediately available to the handler for use in an emergency.

(vi) Protective eyewear must be worn when using closed systems operating under pressure.

## (5) Enclosed cabs.

(a) If handling tasks are performed from inside a cab that has a nonporous barrier which totally surrounds the occupants of the cab and prevents contact with pesticides outside of the cab, exceptions to personal protective equipment specified on the product labeling for that handling activity are permitted as provided in (a) and (b) of this subsection.

(b) Persons occupying an enclosed cab shall have all labeling-specified personal protective equipment immediately available and stored in a chemical-resistant container, such as a plastic bag. They shall wear such personal protective equipment if it is necessary to exit the cab and contact pesticide-treated surfaces in the treated area. Once personal protective equipment is worn in the treated area, it must be removed before reentering the cab.

(c) Persons occupying such an enclosed cab may substitute a long-sleeved shirt, long pants, shoes, and socks for the labeling-specified personal protective equipment. If a respiratory protection device is specified on the pesticide product labeling for the handling activity, it must be worn.

(d) Persons occupying an enclosed cab that has a properly functioning ventilation system which is used and maintained in accordance with the manufacturer's written operating instructions and which is declared in writing by the manufacturer to provide respiratory protection equivalent to or greater than a dust/mist filtering respirator may substitute a long-sleeved shirt, long pants, shoes, and socks for the labeling-specified personal protective equipment. If a respiratory protection device other than a dust/mist filtering respirator is specified on the pesticide product labeling, it must be worn.

## (6) Aerial applications.

(a) Use of gloves. The wearing of chemical-resistant gloves when entering or leaving an aircraft used to apply pesticides is optional, unless such gloves are required on the pesticide product labeling. If gloves are brought into the cockpit of an aircraft that has been used to apply pesticides, the gloves shall be kept in an enclosed container to prevent contamination of the inside of the cockpit.

(b) Open cockpit. Handlers applying pesticides from an open cockpit aircraft must use the personal protective equipment specified in the pesticide product labeling for use during application, except that chemical-resistant footwear need not be worn. A helmet may be substituted for chemical-resistant headgear. A helmet with a face shield lowered to cover the face may be substituted for protective eyewear.

(c) Enclosed cockpit. Persons occupying an enclosed cockpit may substitute a long-sleeved shirt, long pants, shoes, and socks for labeling-specified personal protective equipment.

## (7) Crop advisors.

(a) Provided the conditions in (b) through (d) of this subsection are met, crop advisors and their employees entering treated areas to perform crop advising tasks while a restricted-entry interval is in effect may substitute either of the following sets of personal protective equipment for the personal protective equipment specified on the pesticide labeling for handler activities:

(i) The personal protective equipment specified on the pesticide product labeling for early entry.

(ii) Coveralls, shoes plus socks and chemical-resistant gloves made of any waterproof material, and eye protection if the pesticide product labeling applied requires protective eye-wear for handlers.

(b) The application has been complete for at least four hours.

(c) No such entry is allowed until any inhalation exposure level listed in the pesticide product labeling has been reached or any ventilation criteria required in WAC 296-307-10915 (2)(c) or the pesticide product labeling have been met, and either inhalation exposure levels are below PELs in WAC 296-307-624, Part Y-6 Respiratory hazards, or respiratory protection is provided and worn according to requirements in WAC 296-307-594, Part Y-5.

(d) The crop advisor or crop advisor employee who enters a treated area during a restricted-entry interval only performs crop advising tasks while in the treated area.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-307-107	Federal worker protection standards—Washington state department of agriculture.
WAC 296-307-110	Scope and purpose—Worker protection standards—40 C.F.R., § 170.1.
WAC 296-307-11005	Definitions—Worker protection standards—40 C.F.R., § 170.3.
WAC 296-307-11010	General duties and prohibited actions—Worker protection standards—40 C.F.R., § 170.7.
WAC 296-307-11015	Violations of this part—Worker protection standards—40 C.F.R., § 170.9.
WAC 296-307-120	Applicability of this section—Standards for workers—40 C.F.R., § 170.102.
WAC 296-307-12005	Exceptions—Standards for workers—40 C.F.R., § 170.103.
WAC 296-307-12010	Exemptions—Standards for workers—40 C.F.R., § 170.104.
WAC 296-307-12015	Restrictions associated with pesticide applications—Standards for workers—40 C.F.R., § 170.110.
WAC 296-307-12020	Entry restrictions—Standards for workers—40 C.F.R., § 170.112.
WAC 296-307-12025	Notice of applications—Standards for workers—40 C.F.R., § 170.120.
WAC 296-307-12030	Providing specific information about applications—Standards for workers—40 C.F.R., § 170.122.

WAC 296-307-12035	Notice of applications to handler employers—Standards for workers—40 C.F.R., § 170.124.
WAC 296-307-12040	Pesticide safety training—Standards for workers—40 C.F.R., § 170.130.
WAC 296-307-12045	Posted pesticide safety information—Standards for workers—40 C.F.R., § 170.135.
WAC 296-307-12050	Decontamination—Standards for workers—40 C.F.R., § 170.150.
WAC 296-307-12055	Emergency assistance—Standards for workers—40 C.F.R., § 170.160.
WAC 296-307-130	Applicability of this section—Standards for pesticide handlers—40 C.F.R., § 170.202.
WAC 296-307-13005	Exemptions—Standards for handlers—40 C.F.R., § 170.204.
WAC 296-307-13010	Restrictions during applications—Standards for pesticide handlers—40 C.F.R., § 170.210.
WAC 296-307-13015	Providing specific information about applications—Standards for pesticide handlers—40 C.F.R., § 170.222.
WAC 296-307-13020	Notice of applications to agricultural employers—Standards for pesticide handlers—40 C.F.R., § 170.224.
WAC 296-307-13025	Pesticide safety training—Standards for pesticide handlers—40 C.F.R., § 170.230.
WAC 296-307-13030	Knowledge of labeling and site-specific information—Standards for pesticide handlers—40 C.F.R., § 170.232.
WAC 296-307-13035	Safe operation of equipment—Standards for pesticide handlers—40 C.F.R., § 170.234.
WAC 296-307-13040	Posted pesticide safety information—Standards for pesticide handlers—40 C.F.R., § 170.235.
WAC 296-307-13045	Personal protective equipment—Standards for pesticide handlers—40 C.F.R., § 170.240.
WAC 296-307-13050	Decontamination—Standards for pesticide handlers—40 C.F.R., § 170.250.
WAC 296-307-13055	Emergency assistance—Standards for pesticide handlers—40 C.F.R., § 170.260.

**WSR 19-13-084**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed June 18, 2019, 10:03 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-20-103.

Title of Rule and Other Identifying Information: Chapter 296-17A WAC, Classifications for Washington workers' compensation insurance.

Hearing Location(s): On July 23, 2019, at 10:00 a.m., at the Labor and Industries Headquarters, Room S117, 7273 Linderson Way S.W., Tumwater, WA 98501.

Date of Intended Adoption: August 20, 2019.

Submit Written Comments to: James Vest, P.O. Box 44148, Olympia, WA 98504-4148, email James.Vest@Lni.wa.gov, fax 360-902-4988, by July 23, 2019.

Assistance for Persons with Disabilities: Contact James Vest, phone 360-902-4799, fax 360-902-4988, TTY 360-902-5797, email James.Vest@Lni.wa.gov, by July 19, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Chapter 296-17A WAC establishes and maintains the classifications employers are required to use to report and pay their industrial insurance premiums.

The department reviewed the chapter and is proposing revisions to:

- Correct typographical and other errors (such as invalid telephone numbers and out-of-date references);
- Revise wording and formatting to make the rules easier to understand and apply; and
- Incorporate and formalize existing agency practices (such as expressly including in a risk classification employment that the department currently includes by interpretation or analogy).

This proposal amends subclassifications while not making substantial changes to how employers are classified. In general, the department proposes to combine subclassifications where the underlying hazards are similar and where the subclassification distinction is no longer relevant. This allows the department to maintain the overall fairness of the rating system in general.

The department reviewed this chapter and proposes making revisions to:

- Combine subclassifications where the underlying hazards are similar and we don't think the subclassification distinction is relevant anymore;
- Update and clarify information and references in multiple classifications in general due to updated subclassifications;
- Create a new subclassification for drilling method of pile driving; and
- Revise wording and formatting to make the rules easier to understand and apply.

## Amendments proposed:

		<b>What</b>	<b>Why</b>
WAC 296-17A-0202	Pile driving	Create a new subclassification.	Industry requested that the department create a separate subclassification within risk classification 0202 when performing pile construction using a drilling method.
WAC 296-17A-0103	Drilling	Correct reference due to the new 0202 subclassification.	Some pile construction contractors were misreporting in 0103, Drilling, when constructing piles using a drilled method. All types of pile construction is [are] reportable in 0202, adding clarity in 0103 where all types of pile construction work is to be reported in 0202.
WAC 296-17A-0502-99	Flooring (no employees)	Remove subclassification.	This subclassification is no longer needed and this population will be moved to the more general 0510-99 Construction contractor: No employees.
WAC 296-17A-0507-99	Roofing (no employees)	Remove subclassification.	This subclassification is no longer needed and this population will be moved to the more general 0510-99 Construction contractor: No employees.
WAC 296-17A-0550-99	Drywall (no employees)	Amend.	Align the subclassification with updated language in 0510-99 Construction contractor: No employees.
WAC 296-17A-0510-99	Framing (no employees)	Amend.	Clarify the language regarding purpose and reporting requirements for subclass 0510-99 Construction contractor: No employees.
WAC 296-17A-1101	Delivery	Combine subclassifications and amend for clarity. Add specific exclusion referencing the correct classification for food truck businesses.	<p>The department is combining four subclassifications in classification 1101:</p> <ul style="list-style-type: none"> <li>· Due to low loss data;</li> <li>· No longer need to track these subclassifications separately; and</li> <li>· As part of the plan to reduce the overall number of subclassifications in the classification plan to ease administrative burden for customers and staff.</li> </ul> <p>The department recently identified and corrected accounts for food truck businesses misclassified with classification 1101 instead of the correct classification 3905-01.</p> <p>This rule making will create clear references for food trucks in classification 1101 Route food delivery, classification 3905 Restaurants, and classification 3909 Catering, and will ensure correct future classification assignments.</p>
WAC 296-17A-3402	Metal goods	Combine multiple subclassifications.	Current subclassifications are confusing to public and internal staff to apply. For ease of administration, the department is recommending collapsing of many of the subclassifications within 3402.
WAC 296-17A-3404	Metal goods	Combine multiple subclassifications.	Current subclassifications are confusing to public and internal staff to apply. For ease of administration, the department is recommending collapsing of many of the subclassifications within 3404.

		What	Why
WAC 296-17A-3905	Restaurants	Add references for food trucks.	The department recently identified and corrected accounts for food truck businesses misclassified with classification 1101 instead of the correct classification 3905-01.  This rule making will create clear references for food trucks in classification 1101 Route food delivery, classification 3905 Restaurants, and classification 3909 Catering, and will ensure correct future classification assignments.
WAC 296-17A-3909	Catering	Add references for food trucks.	The department recently identified and corrected accounts for food truck businesses misclassified with classification 1101 instead of the correct classification 3905-01.  This rule making will create clear references for food trucks in classification 1101 Route food delivery, classification 3905 Restaurants, and classification 3909 Catering, and will ensure correct future classification assignments.

Reasons Supporting Proposal: As part of this rule making, the department also reviewed these chapters for need, clarity, and consistency as required by SSB 5679 (chapter 30, Laws of 2013 2nd sp. sess.) to make changes where possible to reduce the regulatory burden on employers insured with the state fund.

Statutory Authority for Adoption: RCW 51.04.020 and 51.16.035.

Statute Being Implemented: RCW 51.16.035.

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

Name of Proponent: Department of labor and industries, governmental.

Name of Agency Personnel Responsible for Drafting: James Vest, Tumwater, Washington, 360-902-4799; Implementation: Keith Bingham, Tumwater, Washington, 360-902-4826; and Enforcement: Victoria Kennedy, Tumwater, Washington, 360-902-4997.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. Since the proposed rules do not change any existing coverage options for employers or workers and adjust fees pursuant to legislative standard, they are exempted by RCW 34.05.328 (5)(b)(vi) from the requirement for a cost-benefit analysis.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules set or adjust fees under the authority of RCW 19.02.075 or that set or adjust fees or rates pursuant to legislative standards, including fees set or adjusted under the authority of RCW 19.80.045.

June 18, 2019  
Joel Sacks  
Director

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

**WAC 296-17A-0103 Classification 0103.**

**0103-09 Drilling or blasting: N.O.C.**

**Applies to:**

~~((contractors))~~ Businesses engaged in drilling operations for others not covered by another classification (N.O.C.). Work contemplated by this classification includes, but is not limited to, well drilling for oil, gas or water; exploratory well drilling; and drilling of holes in rock for shot holes. Such drilling generally contemplates the digging of a hole using a rotating or pounding type tool. Equipment used by drilling contractors includes earth auger drills, jackhammers, drilling rigs, and bits which will vary in size depending upon the terrain or material to be drilled and the depth and size of holes to be drilled. This classification also includes blasting operations not covered by another classification (such as the blasting of rock in connection with highway, street or road construction).

~~((This classification excludes))~~ **Exclusions:**

- Drilling operations performed in connection with concrete or building construction which is to be reported separately in the construction classification applicable for the work being performed;
- Drilling done in connection with all types of underground or surface mining and quarry operations which is to be reported separately in the applicable mining classification;
- ~~((and))~~
- Blasting performed as part of building demolition which is to be reported separately in classification 0518((-);
- All types of pile construction work, which is reported separately in:

- 0202-02, Pile construction: Driven method;

- 0202-06, Pile construction: Drilled method.

**0103-10 Geophysical exploration: Seismic detection of the mechanical properties of the earth**

Applies to establishments engaged in geophysical exploration, by seismic detection, of the earth's subsurface. Work contemplated by this classification involves a seismograph work crew consisting of a party chief, a permit person, a surveyor, drillers, shooters, observers and a computer analyst. The seismic method utilizes a dynamite blast that simulates a miniature earthquake. The recorder of the vibrations is the sensitive earthquake detector which records the intense vibrations on a rapidly moving tape. The data collected from the tapes and photographic records are interpreted and a contour map of the rocks and their foundation to depths of several thousand feet is developed.

This classification excludes geophysical exploration without seismic detection which is to be reported separately in classification 1007.

AMENDATORY SECTION (Amending WSR 08-15-132, filed 7/22/08, effective 1/1/09)

**WAC 296-17A-0202 Classification 0202.****0202-02 Pile (~~driving—Wood or concrete piling construction~~)**

Applies to contractors engaged in pile driving and piling construction. Pile driving involves long sturdy posts or columns of timber, steel, or concrete being driven into the earth as a foundation or support for a structure such as a building, pier or wharf. This type of activity usually occurs when a portion of the structure is going to be under water, in mud, at a site where the ground is soft or unstable, or when the structure is expected to be of extraordinary weight. Work contemplated by this classification includes driving wood or steel beams, driving concrete columns, shaft sinking or caisson work, stacking of concrete piles, erection of a cofferdam, and includes all cross beaming, decking, and similar carpentry incidental to, and connected with, pile driving operations as part of the foundation construction project. Shaft sinking is removal of earth from a hole with a relatively small diameter and usually at a considerable depth. The cofferdam is a temporary structure from which water can be pumped or sucked to provide a dry work area during construction of the foundation or substructure. Once the foundation support is complete, the cofferdam is taken apart and removed.

This classification excludes diving operations or activities which are to be reported separately in classification 0202-04.

**Special note:** Pile driving projects could occur on or adjacent to navigable waters (harbors, rivers, canals) which is defined as those which form a continuous highway for interstate or international commerce. Workers who perform the work activities from on board a vessel could be subject to the Admiralty Law which recognizes such work crews and workers as a master or member of a vessel, and subject to federal law known as the Jones Act. Every person on board a vessel is deemed a seaman if connected with the operation while on navigable water. The term vessel has been interpreted by the courts to include any type of man-made floating object such as a floating derrick, pile driver or dredge, a barge, or a pon-

toon (which is a flat bottom boat) or portable float. Workers who perform the work activities from the shoreline or from adjacent areas such as an existing dock, pier, or bridge may or may not be subject to federal law covered under the U.S. Longshore and Harbor Workers Act. Usually, pile driving projects involve a variety of types of work crews such as those working from a floating derrick or pile driver, a barge, a pontoon, a shoreline pile crew, workers inside the cofferdam, as well as the maintenance and repair of the construction material or equipment. Care should be exercised prior to assignment of this classification as the workers could be subject to either or both of these acts. The criteria used in determining federal law and coverage is based on the most current federal court decisions and case law.)) **construction: Driven method**

**Applies to:**

Businesses engaged in pile construction utilizing a driven or pounding method. Pile driving involves long sturdy posts or columns of timber, steel, or concrete being driven into the earth as a foundation or support for a structure such as a building, pier or wharf. This type of activity usually occurs when a portion of the structure is going to be under water, in mud, at a site where the ground is soft or unstable, or when the structure is expected to be of extraordinary weight.

**Work activities include, but are not limited to:**

- Driving wood or steel beams;
- Driving concrete columns;
- All cross beaming, decking, and similar carpentry incidental to, and connected with, pile driving operations as part of the foundation construction project.

**Exclusions:**

- Diving operations or activities which are to be reported separately in classification 0202-04;
- Pile construction work utilizing a drilling method, which is reported in 0202-06;
- Other types of pile construction work that do not involve a drilled or driven method, but is a form of ground stabilization/improvement, which is reported in 0202-06.

**Note:** Contractors engaged in both pile construction using the driven method and drilled method will have both subclassifications 0202-02 and 0202-06 assigned, and must report in each subclassification as it applies to the work performed.

**Special note:** Pile driving projects could occur on or adjacent to navigable waters (harbors, rivers, canals) which are defined as those which form a continuous highway for interstate or international commerce. Workers who perform the work activities from on board a vessel could be subject to the Admiralty Law which recognizes such work crews and workers as a master or member of a vessel, and subject to federal law known as the Jones Act. Every person on board a vessel is deemed a seaman if connected with the operation while on navigable waters. The term vessel has been interpreted by the courts to include any type of man-made floating object such as a floating derrick, pile driver or dredge, a barge, or a pontoon (which is a flat bottom boat) or portable float. Workers who perform the work activities from the shoreline or from adjacent areas such as an existing dock, pier, or bridge may or may not be subject to federal law cov-

ered under the U.S. Longshore and Harbor Workers Act. Usually, pile driving projects involve a variety of types of work crews such as those working from a floating derrick or pile driver, a barge, a pontoon, a shoreline pile crew, workers inside the cofferdam, as well as the maintenance and repair of the construction material or equipment. Care should be exercised prior to assignment of this classification as the workers could be subject to either or both of these acts. The criteria used in determining federal law and coverage is based on the most current federal court decisions and case law.

**0202-03 Wharf, pier, dock and marine railway: Construction, maintenance and repair**

Applies to contractors engaged in the construction, maintenance or repair of piers, wharves, docks and marine railways. A pier or wharf is a platform extending from a shore over water and supported by piles or pillars. A dock is the area between two piers or alongside a pier or wharf. These types of platforms are for vessels to tie up and provide an area for loading, unloading, or repairing vessels. Most often, the construction of such platforms will include the foundation or substructure being under water or mud, and the remainder of the platform being exposed above the water or mud. Work contemplated by this classification includes, but is not limited to, construction of the foundation or substructure which consists of shaft sinking, pile driving, stacking of piles and/or erection of a cofferdam, and includes all concrete, steel or carpentry work after the foundation or substructure is built to completion of the project. Shaft sinking involves the removal of earth from a hole with a relatively small diameter and usually at a considerable depth. Pile driving involves long sturdy posts or columns of timber, steel, or concrete being driven into the earth as a foundation or support for the structure. The cofferdam is a temporary structure from which water can be pumped or sucked to provide a dry work area during construction of the foundation or substructure. Once the foundation support is complete, the cofferdam is taken apart and removed. This classification also includes caisson work as part of the construction for the foundation or substructure support.

This classification excludes diving operations or activities which are to be reported separately in classification 0202-04.

**Special note:** The construction of piers, wharves, docks and marine railways could occur on or adjacent to navigable waters (harbors, rivers, canals) which is defined as those which form a continuous highway for interstate or international commerce. Workers who perform the work activities from on board a vessel could be subject to the Admiralty Law which recognizes such work crews and workers as a master or member of a vessel, and subject to federal law known as the Jones Act. Every person on board a vessel is deemed a seaman if connected with the operation while on navigable water. The term vessel has been interpreted by the courts to include any type of man-made floating object such as a floating derrick, floating barge, a pontoon (which is a flat bottom boat) or portable float. Workers who perform the work activities from the shoreline or from adjacent areas such as an existing dock, pier, or bridge may or may not be subject to federal law covered under the U.S. Longshore and Harbor Workers Act. Usually, these types of projects involve a vari-

ety of work crews such as those working from a floating derrick or barge, a pontoon, a shoreline pile crew, workers inside the cofferdam, as well as the maintenance and repair of the construction material or equipment. Care should be exercised prior to assignment of this classification as the workers could be subject to either or both of these acts. The criteria used in determining federal law and coverage is based on the most current federal court decisions and case law.

**0202-04 Diving operations and subaqueous work, N.O.C.**

Applies to establishments engaged in diving operations not covered by another classification (N.O.C.). Diving operations such as underwater diving, skin diving or scuba diving are performed in numerous types of uncontrolled environments such as the ocean, harbors, bays, dams, lakes, as well as controlled environments such as swimming pools or aquarium tanks. Work contemplated by this classification includes, but is not limited to, marine salvage and wreckage, underwater mining and sweeping, underwater construction or demolition, installation, repair and/or inspection of wharves, piers, and docks, inspection of ships, barges, and other vessels, underwater exploration, as well as diving instruction. Classification 0202 includes all diving activities with the following exception: Diving instructors who provide instructional lessons in a controlled environment such as a swimming pool may be reported separately in classification 6209 provided accurate time records are maintained for the instructional lesson hours. Failure to maintain accurate time records will result in the hours in question being assigned to classification 0202 without a division of hours between the two classifications.

**Special note:** Many diving operations and activities occur on or adjacent to navigable waters (a harbor, river, canal, dam, lake) which is defined as those which form a continuous highway for interstate or international commerce. Workers who perform diving activities (to include divers, deck hands, or "diving tenders" who are support personnel such as line handlers and pump persons) from on board a vessel could be subject to the Admiralty Law which recognizes such work crews and workers as a master or member of a vessel, and subject to federal law known as the Jones Act. Every person on board a vessel is deemed a seaman if connected with the operation while on navigable water. The term vessel has been interpreted by the courts to include any type of man-made floating object such as a floating derrick or dredge, a boat or ship, a barge, or type of pontoon (which is a flat bottom boat) or portable float. Workers who perform diving activities (to include divers, deck hands, or "diving tenders" who are support personnel such as line handlers and pump persons) from the shoreline or from adjacent areas such as an existing dock, pier or bridge may or may not be subject to federal law covered under the U.S. Longshore and Harbor Workers Act. Care should be exercised prior to assignment of this classification as the workers could be subject to either or both of these acts. The criteria used in determining federal law and coverage is based on the most current federal court decisions and case law.

**0202-05 Geoduck harvesting by divers (to be assigned only by the maritime specialist)**

Applies to establishments engaged in diving operations to harvest wild geoduck clams from natural areas. Work contemplated by this classification includes subaqueous harvesting of geoduck clams, sea cucumbers or similar marine life.

**Special note:** Many diving operations and activities occur on or adjacent to navigable waters (a harbor, river, canal, dam, lake) which is defined as those which form a continuous highway for interstate or international commerce. Workers who perform diving activities (to include divers, deck hands, or "diving tenders" who are support personnel such as line handlers and pump persons) from on board a vessel could be subject to the Jones Act or Admiralty Law which recognize such work crews and workers as masters or members of a vessel, and subject to federal law known as the Jones Act. Every person on board a vessel is deemed a seaman if connected with the operation while on navigable water. The term vessel has been interpreted by the courts to include any type of man-made floating object such as a floating derrick or dredge, a boat or ship, a barge, or type of pontoon (which is a flat bottom boat) or portable float. Workers who perform diving activities (to include divers, deck hands, or "diving tenders" or other support personnel such as line handlers and pump persons) from the shoreline or from adjacent areas such as an existing dock, pier or bridge may or may not be subject to federal law covered under the U.S. Longshore and Harbor Workers Compensation Act (LHWCA). Care should be exercised prior to assignment of this classification as the workers could be subject to either or both state fund or federal jurisdiction. The criteria used in determining federal law and coverage is based on the most current federal court decisions and case law.

**0202-06-Pile construction: Drilled method****Applies to:**

Businesses engaged in pile construction utilizing a drilling method. This classification also applies to other types of pile construction work that do not involve a drilled method but is a form of ground stabilization/improvement including, but not limited to:

- Cement grouting;
- Vibro concrete column;
- Vibro replacement.

Structural support (deep foundations), earth retention, ground improvement and grouting are necessary when:

- Surface layer is not adequate or is not economically feasible to use;
- Soils are soft or loose;
- Soil bearing capacity must be increased;
- Support is needed to stabilize slopes;
- Cutting off groundwater is needed;
- Remediating settlement.

**Exclusions:**

- Diving operations or activities which are to be reported separately in classification 0202-04.
- Pile construction work utilizing a driven or pounding method, which is to be reported in 0202-02. Pile construction: Driven method.

**Note:** Contractors engaged in both pile construction using the driven method and drilled method will have both subclassifications 0202-02 and 0202-06 assigned, and must report in each subclassification as it applies to the work performed.

**Industry terminology:**

**Augercast piles** - Are formed by drilling into the ground with a hollow stemmed continuous flight auger to the required depth or degree of resistance.

**Drilled shafts** - Are typically high-capacity cast-in-place deep foundation elements constructed using an auger, drilling bucket or grab.

**Helical piles** - Are formed by rotating galvanized heads and steel pipe extensions, with attached helical cutting blades, into the ground at any angle using a high torque hydraulic motor.

**Macropiles/micropiles/tiedowns** - Are shallow or deep foundation elements constructed using threaded steel pipe or typically in the case of tiedown anchors just a reinforcing steel bar.

**Pit underpinning** - This technique creates support for an existing building when there is foundation damage or when there is going to be excavation or foundation work performed adjacent to it.

**Soldier beams and lagging** - Support technique where vertical piles are drilled at regular intervals along the planned excavation perimeter. The lagging effectively resists the load of the retained soil and transfers it to the beams.

**Soil nailing** - Is an earth retention technique using grouted tension-resisting steel elements (nails) that can be designed for permanent or temporary support.

**Secant piles** - Are piles constructed by overlapping drilled shafts with either structural or lean concrete fill.

**Tangent pile walls** - Are constructed using methods similar to secant piles but tangent piles are equally shaped and abut each other instead of intersecting.

**Soil mixing** - Process used to improve the characteristics of soft or loose soil profiles by mechanically mixing them with cementitious grout to create soil cement columns or panels.

**Vibro concrete columns** - Transfers loads through weak strata to a firm underlying stratum, using high modulus concrete columns.

**Vibro replacement** - Constructs dense aggregate columns (stone columns) by means of a crane-suspended down-hole vibrator, to reinforce all soils and densify granular soils.

**Compaction grouting** - The densification of loose granular soils with the controlled injection of a low slump mortar-like grout.

**Permeation grouting** - A grouting technique that transforms granular soils into sandstone-like masses, by permeation with a low viscosity sodium silicate chemical grout or the use of microfine or ultrafine cement grouts.

**Grout injection pile** - Are steel and concrete pipe composite piles that are screwed into the ground under very high torque and down-pressure.

**Jet grouting** - A drill rod equipped with jet nozzles injects high-pressure water, air, and cement into the ground as the drill rod is rotated and raised.



**Special note:** Pile driving projects could occur on or adjacent to navigable waters (harbors, rivers, canals) which are defined as those which form a continuous highway for interstate or international commerce. Workers who perform the work activities from on board a vessel could be subject to the Admiralty Law which recognizes such work crews and workers as a master or member of a vessel, and subject to federal law known as the Jones Act. Every person on board a vessel is deemed a seaman if connected with the operation while on navigable waters. The term vessel has been interpreted by the courts to include any type of man-made floating object such as a floating derrick, pile driver or dredge, a barge, or a pontoon (which is a flat bottom boat) or portable float. Workers who perform the work activities from the shoreline or from adjacent areas such as an existing dock, pier, or bridge may or may not be subject to federal law covered under the U.S. Longshore and Harbor Workers Act. Usually, pile construction projects involve a variety of types of work crews such as those working from a floating derrick or pile driver, a barge, a pontoon, a shoreline pile crew, workers inside the cofferdam, as well as the maintenance and repair of the construction material or equipment. Care should be exercised prior to assignment of this classification as the workers could be subject to either or both of these acts. The criteria used in determining federal law and coverage is based on the most current federal court decisions and case law.

AMENDATORY SECTION (Amending WSR 13-11-128, filed 5/21/13, effective 7/1/13)

**WAC 296-17A-3402 Classification 3402.**

**3402-00 Pump, safe, scale, auto jack, water meter, air compressor and elevator: Manufacturing or assembly**

**Applies to:**

((establishments engaged in the manufacture or assembly of air compressors. This includes air or gas compressors used for paint sprayers, air tools, tire inflation, and general industrial purposes. Operations contemplated include, but are not limited to, welding, machining, general mechanical and electrical work. Machinery and equipment includes, but is not limited to, hand and air tools, welders, punches, shears, and compression equipment. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

**3402-01 Printing or bookbinding machinery: Manufacturing or assembly**

Applies to establishments engaged in the manufacture or assembly of printing or bookbinding machinery. The outside casings of the machines may be made of plate metal that varies between 1" to 2 1/2" in thickness. The machines used to make the presses and binding machinery may include both computer numeric controlled (CNC) and manual mills and

lathes. Other machinery used in the manufacturing process includes, but is not limited to, welders or cutters, grinders, and drill presses. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant; and the set up, installation and repair of printing or bookbinding machinery which is to be reported separately in classification 0603.

**3402-02 Pump, safe, scale, auto jack, and water meter: Manufacturing or assembly**

Applies to establishments engaged in the manufacture or assembly of pumps, safes, scales, auto jacks, and water meters. Materials range from brass screws and rubber washers used to rebuild water meters to plate metal and steel castings used for safe and pump manufacturing. Machinery includes, but is not limited to, hand tools used for repairs, lathes, welders, and pressure testers. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant; the installation and repair of safes which is to be reported separately in classification 0607; and the installation of pumps which is to be reported separately in the applicable classification.

**3402-03 Shoe or textile machinery: Manufacturing or assembly**

Applies to establishments engaged in the manufacture or assembly of shoe machinery or textile machinery. Metal materials used vary in size, shape and dimension. Machinery includes, but is not limited to, drills, mills, lathes, saws, and welders. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and the installation and repair of shoe or textile machinery which is to be reported separately in classification 0603.

**3402-04 Confectioners or food processing machinery: Manufacturing or assembly**

Applies to establishments engaged in the manufacture or assembly of food processing or confectioners machinery. Metal materials used vary in size, shape and weight. These

establishments often have an assembly line operation and a separate electronic assembly area. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and the installation and repair of confectioners and food processing machinery which is to be reported separately in classification 0603.

#### **3402-05 Machine shops, N.O.C.**

Applies to establishments engaged in general machine shop operations not covered by another classification (N.O.C.), tool sharpening, and mobile welding shops. Many of the establishments in this classification are "job shops." Size and shape of materials vary with steel and aluminum being the most common. Plastics, light weight aluminum, and alloyed metals are becoming increasingly popular in the manufacture of equipment for some industries. These establishments often have welding shops along with machine shops. Machinery and equipment includes, but is not limited to, mills, lathes, grinders, saws, welding equipment, inspection equipment, and material handling equipment. Machinery is both manual and computer numeric controlled (CNC). This classification also includes "mobile shops" which are used *exclusively* to repair machinery or equipment. A "mobile shop" in this classification usually means a van or pick up pulling a utility trailer equipped with hand tools, specialty tools, air tools, a compressor, and a portable welding unit. The machinery or equipment is usually repaired at the customer's location, however, sometimes the broken part is removed and taken back to the shop for repair.

This classification excludes repairs to buildings and structures which are to be reported separately in the appropriate construction classification, and mechanical repairs which are to be reported separately in the classification applicable to the work being performed.

**Special note:** The term "job shop" is an industry term that means the shop will produce products to customer specifications.

#### **3402-06 Power saw, lawn and garden equipment, small motor, N.O.C.: Repair**

Applies to establishments engaged in repairing small power tools, small motors powered by gas or diesel, outboard marine engines, and lawn and garden equipment not covered by another classification (N.O.C.). The largest piece of equipment repaired in this classification is generally a riding lawn mower. Classification 3402-06 is assigned in conjunction with a store classification for establishments that have a store operation and also repair the type of items they sell. Classification 3402-06 may also be assigned to a manufacturer representative who performs warranty repairs. Tools used in this type of repair are mainly hand and air tools. This is a shop or plant only classification; it includes work being per-

formed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and the repair of electrical motors which is to be reported separately in classification 5201.

#### **3402-07 Gear: Manufacturing or grinding**

Applies to establishments engaged in the manufacture or grinding of gears. Establishments in this classification may also cut key slots and broaches. Establishments that cut stock to manufacture the gear are often not the same ones that perform the final grinding process. Gears may go through two, three, or four different grinding, slotting, and/or keying establishments and then go to another establishment for electroplating or galvanizing before they are ready for sale or use. Precision machine shops may grind gears to the ten thousandths of an inch. Materials used are usually stainless steel, aluminum, or plastic. Machinery includes, but is not limited to, gear shapers, drill presses, mill, hobbers, grinders, some of which might be computer numeric controlled (CNC). This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

#### **3402-08 Elevator: Manufacturing**

Applies to establishments engaged in the manufacture of elevators and associated electronic components. Machinery includes, but is not limited to, mills, drills, lathes, saws, and grinders. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and the installation, service, and repair of elevators which is to be reported separately in classification 0602.

#### **3402-12 Multimedia blasting**

Applies to establishments engaged in multimedia (such as, but not limited to, glass, plastic and sand) blasting operations which strip paint or other coatings from metal or fiber-glass. Most of the blasting operations in this classification are done on automobiles, but it also applies to establishments that perform blasting on items such as, but not limited to, barbecue grills, and cast iron pieces. Multimedia blasting processes in this classification are performed in a shop, use less air pressure and media with softer finishes than other blasting operations. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and sandblasting of buildings or structures which is to be reported separately in classification 0504.

**3402-14 Furnace, heater, radiator, wood, propane, or pellet stoves: Manufacturing**

Applies to establishments engaged in the manufacture of furnaces, radiators, wood, propane, or pellet burning stoves or similar heating fixtures. Materials include, but are not limited to, metal cast parts, sheet metal, plate metal, aluminum, or stainless steel. Machinery includes, but is not limited to, hand tools, solder guns, punches, lathes, and saws. Establishments in this classification may have separate areas for electronic assembly and/or painting. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant; establishments engaged in the manufacture of radiators for automobiles or trucks which are to be reported separately in classification 3402-48; and establishments engaged in the manufacture of baseboard heaters which are to be reported separately in classification 3404.

**3402-16 Die casting**

Applies to establishments engaged in the manufacture of products by die casting. Die casting is a manufacturing process for producing accurately dimensioned, sharply defined metal products which are referred to as "die castings." "Dies" are the steel molds used to mass produce the product. The process begins when ingots of various metal alloys are melted in die casting machines. The machine forces the metal into the die under hydraulic or pneumatic pressure. The casting quickly solidifies in the die, and is automatically ejected by the machine, and the cycle starts again. The castings are cleaned by grinding or sanding, which also removes any excess metal "flash." Many die casting manufacturers maintain their own machine shop for making the dies. Die making, when done as a part of die casting operations, is included within the scope of this classification. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant; and establishments engaged in making dies for others which are to be reported separately in classification 3402-74.

**3402-26 Saw blade: Manufacturing, assembly, or sharpening**

Applies to establishments engaged in the manufacture, assembly, or sharpening of saw blades such as, but not limited to, those used in circular saws, band saws, rip saws, key-

hole saws, and handsaws such as hacksaws or meat saws. This classification also includes sharpening services for items such as, but not limited to, tools, shears, and knives. Materials include, but are not limited to, high tensile steel and carbide tipped blades. Machinery includes, but is not limited to, saws, mills, drills, and hand tools. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant; establishments engaged in the repair or sharpening of chain saws which are to be reported separately in classification 3402-06; and establishments engaged in the manufacture or repair of electrical saws which are to be reported separately in classification 5201.

**3402-28 Heat treating metal**

Applies to establishments engaged in heat treating metal. The heat treating process may use computer numeric controlled (CNC) ovens or furnaces. The oven may heat up to 1200 degrees Fahrenheit and a furnace may heat up to 2000 degrees Fahrenheit. The metal(s) is placed on a platform; the platform is hydraulically moved into the first chamber and the door is automatically closed. At this time, the oxygen is burned from the chamber. Then the second chamber door is opened and the metal enters the oven/furnace. Depending upon the specifications, the heat treating process usually takes six to sixteen hours. When the metal is finished in the heating chamber it returns automatically to the first chamber. Then the platform lowers and the metals are dipped into a cooling agent. Once the metals are cooled to room temperature the platform rises, the door opens, and the materials are removed. The process is essentially the same without using computer numeric controlled (CNC) heat treating equipment except that, rather than being hydraulically operated, the machine operators move the metals through the system. Many establishments do not produce a product, but heat treat a variety of products to customer specifications. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

**3402-29 Nut, bolt, screw, nail, tack, rivet, eyelet spike, needle, N.O.C.: Manufacturing  
Sprinkler head, speedometer, carburetor: Manufacturing or assembly**

Applies to establishments engaged in the manufacture of nuts, bolts, screws, nails, tacks, rivets, eyelets, spikes, and needles not covered by another classification (N.O.C.). This classification also applies to establishments engaged in the manufacture or assembly of sprinkler heads, speedometers, or carburetors. Materials include, but are not limited to, steel or iron rods which may be pressed or formed, and small component parts. Machinery includes, but is not limited to, saws, shears, presses, chuckers, threading and tapping machines,

some of which may be computer numeric controlled (CNC). Establishments may have separate areas for deburring, inspecting, packing and shipping. The carburetor rebuilding may be performed on vehicles that are driven or towed into the shop, or on carburetors that have been already removed from the vehicles. In either case the repairs are made exclusively with hand and air tools and sometimes a diagnostic scope and a drill press. A speedometer is usually embodied with a mileage recording mechanism. The central feature of the device is a permanent magnet. There are gears, spindles, and a drive shaft present in most speedometers. There is also a unit counting disc and a spiral spring calibrator. Hand tools are used almost exclusively in the repair of this kind of speedometer. Today many speedometers are computer controlled. Basically, if this kind of speedometer is in need of repair, a computer chip(s) is replaced, using hand tools. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and establishments engaged in the manufacture of hardware that is not covered under another classification, such as handles, latches, and hinges which are to be reported separately in classification 3404, and the repair of speedometers or carburetors in a vehicle which is to be reported separately in the appropriate vehicle repair classification.

#### **3402-32 Abrasive wheel: Manufacturing**

Applies to establishments engaged in the manufacture of abrasive wheels. Manufacturing operations often include a laboratory where carbon and other materials are mixed together to form the abrasive edge of the mainly high tensile steel wheels. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

#### **3402-40 Welding or cutting, N.O.C. (mobile operations limited to repair of equipment and machinery)**

Applies to establishments engaged in welding or cutting operations not covered by another classification (N.O.C.) either in the shop or at the customer's site. Steel is the predominant material along with some aluminum alloys. Machinery is predominantly welding equipment, but may include tools such as, but not limited to, grinders, saws, drills, and material handling equipment. This classification also includes "mobile shops" which are used *exclusively* to repair machinery or equipment. A "mobile shop" in this classification usually means a van or pick up pulling a utility trailer equipped with hand tools, specialty tools, air tools, a com-

pressor, and a portable welding unit. The machinery or equipment is usually repaired at the customer's location, sometimes with the use of the customer's equipment; however, broken parts may be removed and taken back to the shop for repair.

This classification excludes welding construction and repairs to buildings or structures which are to be reported separately in the appropriate construction classification and mechanical repairs which are to be reported separately in the classification applicable to the work being performed.

#### **3402-48 Automobile or truck, radiator and heater core: Manufacturing and repair shops**

Applies to establishments engaged in the manufacture and/or repair of automobile or truck radiator and heater cores. Manufacturers in this classification may have a die casting area and a separate electronic assembly area. Tools and equipment include, but are not limited to, hand tools, solder guns, and punches. Shops that repair radiators may work on the radiators in the vehicles, but usually the radiators have been removed from the vehicle. The radiator is examined and the core may be removed. Next the radiator is cleaned, air pressurized, and dipped in a water tank to check it for leaks. Once the leaks are found they can generally be repaired by welding the holes shut. The radiator is dipped again to ensure the repair has been made properly. Cleaning the radiator may be done by sandblasting, ultra sound baths or by "rodding" the radiator to remove corrosion. Repair equipment includes, but is not limited to, welders, air and hand tools, dipping tanks, hoists, and forklifts. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

#### **3402-60 Office machinery, N.O.C.: Manufacturing or assembly; Cash register or sewing machines: Manufacturing or assembly**

Applies to establishments engaged in the manufacture or assembly of cash registers, sewing machines and office machinery not covered by another classification (N.O.C.) such as, but not limited to, copiers, collators, mail/postage machines, calculators and automatic letter openers. Component parts may be metal, plastic, or wood. Operations include, but are not limited to, cutting, shaping, forming, drilling, riveting, clamping, and bolting; there may be a separate electronic assembly area. Machinery and tools vary within this classification; some establishments use hand and air tools only, others use additional equipment such as, but not limited to, saws, lathes, mills, drills, or water jets, some of which may be computer numeric controlled (CNC). This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classifica-

tion; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

**3402-61 Small arms and ammunition: Manufacturing, assembly, or rebuild**

Applies to establishments engaged in the manufacture, assembly, or rebuild of small arms, the manufacture of ammunition and reloading. For the purpose of this classification, small arms means .50 caliber or less, such as pistols, rifles, shotguns, and light machine guns. Operations include, but are not limited to, metal stamping of casings, machining, assembling, and a high proportion of inspecting. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant; the manufacture or repair of heavy arms which is to be reported separately in classification 5109; and gun stores which are to be reported separately in classification 6309.

**3402-74 Tool: Manufacturing, not hot forming or stamping; Die: Manufacturing—Ferrous**

Applies to establishments engaged in tool manufacturing or die manufacturing, for others, from ferrous materials. Tools manufactured in this classification are usually cutting tools used in lathes, mills, rotors, and saws. Machinery includes, but is not limited to, sharpeners, grinders, lathes and mills, which are both manual or computer numeric controlled (CNC). The die manufacturing included in this classification includes those made exclusively of ferrous materials including, but not limited to, jigs, fixtures, and dies for metal work in general. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and establishments engaged in the manufacture of machine finished tools which are to be reported separately in classification 3402-83.

**3402-77 Auto, truck, semi-trailer and bus body: Manufacturing; Travel trailer body: Manufacturing or repair**

Applies to establishments engaged in the manufacture of auto, truck, and bus bodies, and in the manufacture or repair of travel trailer bodies or cargo containers. Repairs are usually made with the use of welders or cutting torches and air or hand tools. These establishments will also repair or replace hydraulic units. Material used in the manufacture of goods in

this classification is usually steel and aluminum, varying in thickness from 16 gauge to plate metal up to one inch thick. Shapes include, but are not limited to, sheet metal, tubes, solid rod or I-beams. Equipment includes, but is not limited to, shears, breaks, hydraulic presses, iron workers, drill presses, grinders, welders, hoist, cranes, and forklifts. Shops may have a finish sanding area as well as a paint area where the vehicle bodies are sprayed with primer, a body bonding material, or a finish coat of paint. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

**3402-83 Tool: Manufacturing and machine finishing**

Applies to establishments engaged in manufacturing and machine finishing tools. Tools manufactured in this classification are usually hand held instruments such as, but not limited to, wrenches, screw drivers, hammers, torque wrenches, pliers, and sockets. Machinery includes, but is not limited to, air and hand tools, polishers, grinders, inspection equipment, mills, lathes, shapers, and drill presses, some of which may be computer numeric controlled (CNC). Establishments may have a galvanizing and/or electroplating area for the finish work which is included when performed by employees of employers subject to this classification. Other establishments in this classification send the finish work out. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant; establishments engaged in the manufacture of tools from ferrous materials which are to be reported separately in classification 3402-74; and establishments engaged in tool forging which are to be reported separately in classification 5106.

**3402-85 Auto or truck parts: Machining or rebuild not in vehicle**

Applies to establishments engaged in machining or rebuilding auto or truck parts such as, but not limited to, water pumps, fuel pumps, transmissions, heads, brake drums, ball joints, and rear ends, which are not in the vehicle. Work contemplated in this classification may also include manufacturing sockets, pulleys, shafts, fittings, flywheels, and/or bearings. Machinery includes, but is not limited to, mills, lathes, grinders, sanders, presses, welders, and balancing equipment. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and establishments engaged in manufacturing or rebuilding auto, truck, or aircraft engines which are to be reported separately in classification 3402-86.

**3402-86 Auto, truck or aircraft engine, N.O.C.: Manufacturing or rebuilding**

Applies to establishments engaged in manufacturing or rebuilding auto, truck, or aircraft engines not covered by another classification (N.O.C.), including manufacturing the component parts. Establishments in this classification often specialize in the type of engines they make or rebuild. The basic difference between automobile, truck, and aircraft engines is the size and weight of the parts being worked on. Engine rebuild shops use many specialized machines and air tools to tear the core down to an engine block; then rebuild the engine. After the engine is stripped down to the engine block, it is placed in a machine called a baker which heats to approximately 600 degrees and bakes away the grease. After baking, the engine block is placed in a sand blaster where the surface is cleaned with very fine steel shot. The engine block is then placed in a large pressure washer which removes the steel shot. Next, the crank and cam shafts are ground and turned on machinery similar to lathes. There is usually a separate room or area which is called the "head shop" where the heads and valves are machined on valve grinders, valve facers, and head grinders. Engine rebuild shops that do not have the equipment to grind the crank and cam shafts will contract work out to other shops, or buy new crank shafts and cam shafts. Other machinery includes, but is not limited to, boring bars and hones to polish cylinder walls, small pressure washers for oil pans and other smaller parts, solvent tanks, and hoists or forklifts for lifting the engines or engine parts. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and establishments engaged in machining or rebuilding auto or truck parts, other than engines, which are to be reported separately in classification 3402-85.

**3402-91 Bed spring or wire mattress: Manufacturing**

Applies to establishments engaged in the manufacture of bed springs or wire mattresses. The wire stock is coiled and cut to length on a coiling machine, then tempered in an oven to produce the spring. The coils are fastened to the frame either by hand or by machine. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and establishments engaged in the manufacture

of stuffed mattresses which are to be reported separately in classification 3708.

**3402-93 Valve: Manufacturing**

Applies to establishments engaged in the manufacture of valves. Valves regulate the flow of air, gases, liquids, or loose material through structures by opening, closing, or obstructing passageways. They are operated manually, electrically, with compressed air, or hydraulic pressure. Valves are usually cut from aluminum, steel, or stainless steel either by a computer numeric controlled (CNC) machine or water jet machine. Depending upon the complexity of the valve, they are assembled in one or several stages. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and establishments engaged in the manufacture of valves made in a die mold which are to be reported separately in classification 3402-74.

**3402-94 Precision machined parts, N.O.C.: Manufacturing**

Applies to establishments engaged in manufacturing precision machined parts not covered by another classification (N.O.C.). Most of these establishments are "job shops." Job shops make component parts for other businesses according to customer specifications, rather than manufacturing a specific product. Many establishments in this classification manufacture precision parts for the aerospace industry. Machining usually begins with solid blocks of material such as, but not limited to, steel, aluminum, titanium, inconel, or plastic; although some hollow tube, flat bar, and angle stock may also be used. The "rough cuts" are often made on manual machines, and the finish cuts on computer numeric controlled (CNC) machines. Depending on the establishment and the job specifications, a specific part may be sent to one or more additional shops to be tempered, milled, or inspected before the original establishment is through with the manufacturing process. Some parts are so sensitive that climate controlled conditions are necessary. Both manual and CNC mills and lathes are the most common types of machines used. Others include, but are not limited to, saws, drills, and grinding machines. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

**3402-95 Storage battery: Manufacturing, assembly or repair**

Applies to establishments engaged in the manufacture, assembly, or repair of storage batteries. Lead ingots, weighing 20-25 pounds, are melted and poured into a mold or casting machine. After the grids are cooled lead oxide is then pumped onto each side of a grid and cured by baking in an oven of about 300-400 degrees F. The plates are then assembled by placing a negative separator (zinc) between a positive separator (copper), and so forth until there are enough of these cells to form the battery. Next, they are sent to a burning machine that cures the paste and plates. After the burning process, the plates are placed into a plastic or hard rubber box-like container and cured for two or three days. The plates are welded together and the top is attached to the body of the battery case with an epoxy glue. Diluted sulfuric acid is added to the battery and then it is put on a charger. The battery is then cleaned and packed for shipping. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant; establishments engaged in the manufacture of dry-cell (flashlight type) batteries which are to be reported separately in classification 3602; and establishments engaged in battery sales and installation which are to be reported separately in the applicable automotive services classification.

**3402-96 Automobile or motorcycle: Manufacturing or assembly**

Applies to establishments engaged in the manufacture or assembly of automobiles or motorcycles. Most of the manufacturing operations, such as cutting, milling, and turning, are performed with computer numeric controlled (CNC) machinery. Most of the assembly operations are performed with air and hand tools. Other machinery includes but is not limited to saws, grinders, and drill presses. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and establishments engaged only in the manufacture of auto bodies which are to be reported separately in classification 3402-77.

**3402-98 Machinery, N.O.C.: Manufacturing or assembly**

Applies to establishments engaged in the manufacture or assembly of machinery not covered by another classification (N.O.C.). For purposes of this classification, machinery means any combination of mechanical parts constructed primarily with metal. Finished products vary widely and range from hand held machines to those weighing thousands of

pounds; products include, but are not limited to, grinding machines, boring machines, conveyer systems, and wood chippers. Machinery used to manufacture these items includes, but is not limited to, lathes, mills, press, breaks, shears, and welders, some of which may be computer numeric controlled (CNC). This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

**3402-99 Photo processing machinery: Manufacturing or assembly**

Applies to establishments engaged in the manufacture or assembly of photo processing machinery such as, but not limited to, photo processors or film enlargers. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.)) Businesses that manufacture or assemble pumps, safes, scales, auto jacks, water meters, air compressors, and elevators and associated electronic components.

**Work activities include, but are not limited to:**

- Welding;
- Machining;
- General mechanical and electrical work;
- Assembly work.

**Machinery and equipment used include, but are not limited to:**

- Hand tools;
- Lathes;
- Mills;
- Drills;
- Grinders;
- Saws;
- Welders;
- Punches;
- Shears;
- Compression equipment;
- Pressure testers.

Note: Machinery/equipment could be manual or computer numeric controlled (CNC).

**Materials used include, but are not limited to:**

- Brass screws and rubber washers;
- Metals of all types, gauges, sizes, shapes and dimensions.

This classification includes the repair of items being manufactured or assembled when done by employees having oper-

ations subject to this classification. This is a shop or plant only classification and includes work performed in an adjacent yard when operated by an employer having operations subject to this classification.

**Exclusions:**

- Worker hours or businesses installing or repairing safes must be reported separately in classification 0607;
- Worker hours or businesses engaged in installing, servicing or repairing elevators must be reported separately in classification 0602;
- Worker hours or businesses installing pumps must be reported in the applicable classification;
- Activities away from the shop or plant must be reported separately in the applicable classification.

**Note:** For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

**3402-05 Machine shops, N.O.C., job shops, tool sharpening, mobile welding shops, storage battery manufacturing, assembly or repair, multimedia blasting, die casting, and heat treating metal**

**Applies to:**

Businesses with general machine shop operations not covered by another class. This classification also applies to the manufacture, assembly or repair of storage batteries, tool sharpening, multimedia blasting, die-casting and heat-treating.

**Work activities include, but are not limited to:**

- Tool sharpening;
- Welding;
- Mobile welding shops;
- Machining;
- Multimedia blasting;
  - *Multimedia (such as, but not limited to, glass, plastic and sand) blasting operations which strip paint or other coatings from metal or fiberglass. Most of the blasting operations in this classification are done on automobiles, but it also applies to establishments that perform blasting on items such as, but not limited to, barbecue grills, and cast iron pieces. Multimedia blasting processes in this classification are performed in a shop, use less air pressure and media with softer finishes than other blasting operations.*

- Die casting;
  - *Die-casting is a manufacturing process for producing accurately dimensioned, sharply defined metal products, which are referred to as "die castings." "Dies" are the steel molds used to mass-produce the product. The process begins when ingots of various metal alloys are melted in die casting machines. The machine forces the metal into the die under hydraulic or pneumatic pressure. The casting quickly solidifies in the die, and is automatically ejected by the machine, and the cycle starts again. The castings are cleaned by grinding or sanding, which also removes any excess metal "flash." Many die casting manufacturers maintain their own machine shop for making the dies. Die making, when done as a part of die casting operations, is included within the scope of this classification.*

• Heat treating:

- *Process may use computer numeric controlled (CNC) ovens or furnaces. The oven may heat up to 1200 degrees Fahrenheit and a furnace may heat up to 2000 degrees Fahrenheit. The metal(s) is placed on a platform; the platform is hydraulically moved into the first chamber and the door is automatically closed. At this time, the oxygen is burned from the chamber. Then the second chamber door is opened and the metal enters the oven/furnace. Depending upon the specifications, the heat treating process usually takes six to sixteen hours. When the metal is finished in the heating chamber, it returns automatically to the first chamber. Then the platform lowers and the metals are dipped into a cooling agent. Once the metals are cooled to room temperature the platform rises, the door opens, and the materials are removed. The process is essentially the same without using computer numeric controlled (CNC) heat-treating equipment except that, rather than being hydraulically operated, the machine operators move the metals through the system. Many establishments do not produce a product, but heat-treat a variety of products to customer specifications.*

• Storage battery, manufacture, assembly or repair:

- *Lead ingots, weighing 20-25 pounds, are melted and poured into a mold or casting machine. After the grids are cooled lead oxide is then pumped onto each side of a grid and cured by baking in an oven of about 300-400 degrees F. The plates are then assembled by placing a negative separator (zinc) between a positive separator (copper), and so forth until there are enough of these cells to form the battery. Next, they are sent to a burning machine that cures the paste and plates. After the burning process, the plates are placed into a plastic or hard rubber box-like container and cured for two or three days. The plates are welded together and the top is attached to the body of the battery case with an epoxy glue. Diluted sulfuric acid is added to the battery and then it is put on a charger. The battery is then cleaned and packed for shipping.*

**Special note:** The term "job shop" is an industry term that means the shop will produce products to customer specifications.

**Machinery and equipment used include, but are not limited to:**

- Mills;
- Lathes;
- Grinders;
- Saws;
- Welding equipment;
- Inspection equipment;
- Material handling equipment;
- Casting machines;
- Burning machines;
- Ovens or furnaces;
- Steel molds;
- Hand tools;
- Air tools;
- Compressors;
- Portable welding equipment;
- Mobile welding equipment.

- *Are used exclusively to repair machinery or equipment. A "mobile shop" in this classification usually means a van or*



pickup pulling a utility trailer equipped with hand tools, specialty tools, air tools, a compressor, and a portable welding unit. The machinery or equipment is usually repaired at the customer's location; however, sometimes the broken part is removed and taken back to the shop for repair.

**Note:** Machinery/equipment could be manual or computer numeric controlled (CNC).

**Materials used include, but are not limited to:**

- Metals of all types, gauges, sizes, shapes and dimensions;
- Plastics.

This classification includes the repair of items being manufactured or assembled when done by employees having operations subject to this classification. This is a shop or plant only classification and includes work performed in an adjacent yard when operated by an employer having operations subject to this classification.

**Exclusions:**

- Worker hours or businesses sandblasting buildings or structures must be reported separately in classification 0504;
- Worker hours or businesses repairing buildings and structures must be reported separately in the appropriate construction classification;
- Worker hours or businesses doing mechanical repair (such as, on engines or electrical systems) must be reported separately in the classification applicable to the work being performed;
- Manufacturing dies for others, is classified in 3402-74;
- Manufacturing dry cell (flashlight type) batteries, is classified in 3602;
- Battery sales and installation, are classified in the applicable automotive services classification;
- Activities away from the shop or plant must be reported separately in the applicable classification, with the exception of mobile welding operations.

**Note:** For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

**3402-06 Power saw, lawn and garden equipment, small motor, N.O.C: Repair**

**Applies to:**

Businesses that repair small power tools, small motors powered by gas or diesel, outboard marine engines, and lawn and garden equipment not covered by another classification (N.O.C.).

**Machinery and equipment used include, but are not limited to:**

- Hand and air tools.

Classification 3402-06 is assigned in conjunction with a store classification for establishments that have a store operation and repair the type of items they sell. Classification 3402-06 may also be assigned to a manufacturer representative who performs warranty repairs.

This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

**Exclusions:**

- Worker hours or businesses repairing electrical motors are classified in 5201;
- Activities away from the shop or plant which must be reported separately in the applicable classification.

**Note:** For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

**3402-14 Furnace, heater, radiator, wood, propane, or pellet stoves: Manufacturing**

**Applies to:**

Businesses that manufacture furnaces, radiators, wood, propane, or pellet burning stoves or similar heating fixtures.

**Machinery and equipment used include, but are not limited to:**

- Hand tools;
- Solder guns;
- Punches;
- Lathes;
- Saws.

**Note:** Machinery/equipment could be manual or computer numeric controlled (CNC).

**Materials used include, but are not limited to:**

- Sheet metal;
- Plate metal;
- Aluminum;
- Stainless steel.

**Note:** Establishments in this classification may have separate areas for electronic assembly and/or painting.

This classification includes the repair of items being manufactured or assembled when done by employees having operations subject to this classification. This is a shop or plant only classification and includes work performed in an adjacent yard when operated by an employer having operations subject to this classification.

**Exclusions:**

- Manufacturing radiators for automobiles or trucks, is classified in 3402-48;
- Manufacturing baseboard heaters, is classified in 3404;
- Activities away from the shop or plant must be reported separately in the applicable classification.

**Note:** For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

**3402-26 Saw blade and abrasive wheel: Manufacturing, assembly or sharpening**

**Applies to:**

Businesses that manufacture abrasive wheels, and businesses that manufacture, assemble, or sharpen saw blades such as, but not limited to, those used in circular saws, band saws, rip-saws, keyhole saws, and handsaws such as hacksaws or meat saws.

Abrasive wheel manufacturing operations often include a laboratory where carbon and other materials are mixed together to form the abrasive edges of the wheels.

**Note:** Businesses in this classification may also perform incidental sharpening services for items such as, but not limited to, tools, scissors, and knives.

**Machinery and equipment used include, but are not limited to:**

- Saws;
- Mills;
- Drills;
- Hand tools.

**Materials used include, but are not limited to:**

- High tensile steel;
- Carbide tipped blades.

This classification includes the repair of items being manufactured or assembled when done by employees having operations subject to this classification. This is a shop or plant only classification and includes work performed in an adjacent yard when operated by an employer having operations subject to this classification.

**Exclusions:**

- Repair or sharpening of chain saws, is classified in 3402-06;
- Manufacture or repair of electrical saws, is classified in 5201;
- Activities away from the shop or plant must be reported separately in the applicable classification.

**Note:** For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

**3402-29 Nut, bolt, screw, nail, tack, rivet, eyelet spike, needle, bedspring, wire mattress, N.O.C.: Manufacturing; sprinkler head, speedometer, carburetor: Manufacturing or assembly**

**Applies to:**

Businesses that manufacture nuts, bolts, screws, nails, tacks, rivets, eyelets, spikes, needles, bedspring, and wire mattresses not covered by another classification. N.O.C. This classification also applies to businesses that manufacture or assemble sprinkler heads, speedometers, or carburetors. Rebuilding carburetors is also included in this classification.

The carburetor rebuilding may be performed on vehicles that are driven or towed into the shop, or on carburetors that have been already removed from the vehicles.

Businesses in this classification may have separate areas for deburring, inspecting, packing and shipping.

**Machinery and equipment used include, but are not limited to:**

- Saws;
- Shears;
- Presses;
- Chuckers;
- Threading and tapping machines;
- Hand tools;
- Air tools;
- Diagnostic scopes;
- Drill press;
- Coiling machines;

- Ovens.

**Note:** Machinery/equipment could be manual or computer numeric controlled (CNC).

**Materials used include, but are not limited to:**

- Steel rods;
- Iron rods;
- Small component parts;
- Wire.

This classification includes the repair of items being manufactured or assembled when done by employees having operations subject to this classification. This is a shop or plant only classification and includes work performed in an adjacent yard when operated by an employer having operations subject to this classification.

**Exclusions:**

- Manufacturing stuffed mattresses, is classified in 3708;
- Manufacturing handles, latches, and hinges, is classified in 3404;
- Repair of speedometers or carburetors in a vehicle, is classified in the appropriate vehicle repair classification;
- Activities away from the shop or plant must be reported separately in the applicable classification.

**Note:** For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

**3402-40 Welding or cutting, N.O.C. (mobile operations limited to repair of equipment and machinery)**

**Applies to:**

Businesses doing welding or metal cutting not covered by another classification (N.O.C.) either in the shop or at the customer's site.

**Machinery and equipment used include, but are not limited to:**

- Welding equipment;
- Grinders;
- Saws;
- Drills;
- Material handling equipment.

**Materials used include, but are not limited to:**

- Steel;
- Aluminum alloys.

This classification also includes "mobile shops" which are used *exclusively* to repair machinery or equipment. A "mobile shop" in this classification usually means a van or pickup pulling a utility trailer equipped with hand tools, specialty tools, air tools, a compressor, and a portable welding unit. The machinery or equipment is usually repaired at the customer's location, sometimes with the use of the customer's equipment; however, broken parts may be removed and taken back to the shop for repair.

**Exclusions:**

- Worker hours or businesses doing welding construction or repairs to buildings or structures must be reported separately in the classification applicable to the work being performed;

• Worker hours or businesses doing mechanical repairs (such as, on engines and electrical systems) must be reported separately in the applicable classification.

**Note:** For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

**3402-48 Automobile or truck, radiator and heater core: Manufacturing and repair shops**

**Applies to:**

Businesses that manufacture and/or repair automobile or truck radiator and heater cores.

**Work activities in this classification include, but are not limited to:**

• Repair of radiators in the vehicle, or removed from vehicle;

• Radiators cleaned, air pressured, and dipped in water tank to check for leaks;

• Leaks repaired by welding the holes shut;

• Radiators dipped again to ensure the repair has been made properly;

• Cleaning radiator by sandblasting, ultra sound baths or "rodding" the radiator to remove corrosion.

**Note:** Manufacturer in this classification may have a die casting area and a separate electronic assembly area.

**Machinery and equipment used include, but are not limited to:**

• Hand tools and air tools;

• Solder guns;

• Punches;

• Welders;

• Dipping tanks;

• Hoists;

• Forklifts.

This classification includes the repair of items being manufactured or assembled when done by employees having operations subject to this classification. This is a shop or plant only classification and includes work performed in an adjacent yard when operated by an employer having operations subject to this classification.

**Exclusions:**

• Activities away from the shop or plant must be reported separately in the applicable classification.

**Note:** For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

**3402-74 Tool: Manufacturing, not hot forming or stamping; machine finishing tools, die: Manufacturing ferrous**

**Applies to:**

Businesses doing tool manufacturing or die manufacturing, for others, from ferrous materials.

**Products manufactured include, but are not limited to:**

• Jigs;

• Fixtures and dies for metal work;

• Wrenches;

• Screw drivers;

• Hammers;

• Torque wrenches;

• Pliers;

• Sockets;

• Cutting tools used in lathes, mills, rotors and saws.

**Machinery and equipment used include, but are not limited to:**

• Air and hand tools;

• Polishers;

• Sharpeners;

• Grinders;

• Inspection equipment;

• Mills;

• Lathes;

• Shapers;

• Sharpeners;

• Drill presses.

**Note:** Machinery/equipment could be manual or computer numeric controlled (CNC).

Businesses may have a galvanizing and/or electroplating area for the finish work, which is included when performed by employees of employers subject to this classification.

This classification includes the repair of items being manufactured or assembled when done by employees having operations subject to this classification. This is a shop or plant only classification and includes work performed in an adjacent yard when operated by an employer having operations subject to this classification.

**Exclusions:**

• Tool forging by hot forming or stamping is classified in 5106;

• Activities away from the shop or plant must be reported separately in the applicable classification.

**Note:** For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

**3402-77 Auto, truck, semi-trailer and bus body: Manufacturing; travel trailer body: Manufacturing or repair; automobile or motorcycle: Manufacturing or assembly**

**Applies to:**

Businesses that manufacture auto, truck, and bus bodies, or that manufacture or repair travel trailer bodies or cargo containers, or that manufacture or assemble automobiles or motorcycles.

**Work activities include, but are not limited to:**

• Welding operations;

• Using cutting torches;

• Operating milling, cutting and turning machines;

• Assembly operations performed with air and hand tools;

• Repair or replace hydraulic units;

• Shops may have a finish sanding area as well as a paint area where the vehicle bodies are sprayed with primer, a body bonding material, or a finish coat of paint.

**Machinery and equipment used include, but are not limited to:**

• Welders;

- Cutting torches;
- Air or hand tools;
- CNC machinery (computer numeric controlled);
- Saws;
- Grinders;
- Drill presses;
- Shears;
- Breaks;
- Hydraulic presses;
- Iron workers;
- Grinders;
- Hoists;
- Cranes and forklifts.

**Materials used include, but are not limited to:**

• Steel or aluminum, varying in thickness, 16 gauge to plate metal up to one inch thick;

- Shapes include sheet metal, tubes, solid rod or I-beams.

This classification includes the repair of items being manufactured or assembled when done by employees having operations subject to this classification. This is a shop or plant only classification and includes work performed in an adjacent yard when operated by an employer having operations subject to this classification.

**Exclusions:**

• Activities away from the shop or plant must be reported separately in the applicable classification.

Note: For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

**3402-85 Auto or truck parts; machining or rebuild not in vehicle**

**Applies to:**

Businesses that machine or rebuild auto or truck parts that are not in the vehicle.

**Products manufactured include, but are not limited to:**

- Water pumps;
- Fuel pumps;
- Transmissions;
- Heads;
- Brake drums;
- Ball joints;
- Rear ends;
- Sockets;
- Pulleys;
- Shafts;
- Fittings;
- Flywheels;
- Bearings.

**Machinery and equipment used include, but are not limited to:**

- Mills;
- Lathes;
- Grinders;
- Sanders;
- Presses;
- Welders;
- Balancing equipment.

Note: Machinery/equipment could be manual or computer numeric controlled (CNC).

This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

**Exclusions:**

• Manufacturing or rebuilding auto, truck, or aircraft engines are classified in 3402-86;

• Activities away from the shop or plant must be reported separately in the applicable classification.

Note: For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

**3402-86 Auto, truck, or aircraft engine, N.O.C.: Manufacturing or rebuilding**

**Applies to:**

Businesses that manufacture or rebuild auto, truck, or aircraft engines not covered by another classification (N.O.C.), including manufacturing the component parts.

Note: The basic difference between automobile, truck, and aircraft engines is the size and weight of the parts worked on.

**Work activities include, but are not limited to:**

• Use specialized machines and air tools to tear the core down to an engine block;

• Rebuild the engine;

• After engine is stripped down to the engine block, it is placed in a machine called a baker which heats to approximately 600 degrees and bakes away the grease;

• After baking, the engine block is placed in a sand blaster where the surface is cleaned with very fine steel shot;

• Engine block is then placed in a large pressure washer which removes the steel shot;

• Crank and shafts are ground and turned on machinery similar to lathes;

• Heads and valves are machined on valve grinders, valve facers, and head grinders. Shops that do not have equipment to grind the crank and camshafts will contract work out to other shops, or buy new crank and camshafts.

**Machinery and equipment used include, but are not limited to:**

• Baker machines;

• Sand blasters;

• Pressure washers;

• Lathes;

• Valve grinders;

• Valve facers;

• Head grinders;

• Boring bars;

• Hones;

• Solvent tanks;

• Hoists;

• Forklifts.

This classification includes the repair of items being manufactured or assembled when done by employees having operations subject to this classification. This is a shop or plant only classification and includes work performed in an adjacent

cent yard when operated by an employer having operations subject to this classification.

**Exclusions:**

• Machining or rebuilding auto or truck parts is classified in 3402-85;

• Activities away from the shop or plant must be reported separately in the applicable classification.

**Note:** For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

**3402-94 Precision machined parts, N.O.C.: Manufacturing, gear: Manufacturing or grinding, small arms and ammunition: Manufacturing, assembly or rebuild, valve: Manufacturing**

**Applies to:**

Businesses that manufacture precision-machined parts not covered by another classification (N.O.C); that manufacture or grind gears, that manufacture, assemble or rebuild small arms (.50 caliber or less), that manufacture or reload ammunition, or that manufacture valves.

**Note:** Most precision machine establishments are "job shops." Job shops make component parts for other businesses according to customer specifications, rather than manufacturing a specific product.

**Work activities in this classification include, but are not limited to:**

- Machining;
- Grinding gears;
- Metal stamping of casings;
- Assembly;
- Inspecting;
- Cutting key slots and broaches.

**Products manufactured include, but are not limited to:**

- Precision parts for aerospace/medical industry;
- Gears;
- Pistols;
- Rifles;
- Shotguns;
- Light machine guns;
- Valves (regulate the flow of air, gas, liquids, or loose material through structures by opening, closing or obstructing passageways. They operate manually, electronically, with compressed air, or hydraulic pressure);
- Other types of precision parts.

**Machinery and equipment used include, but are not limited to:**

- Manual and CNC (computer numeric controlled) mills and lathes;
- Water jet machines;
- Saws;
- Drill press/drills;
- Grinding machines;
- Gear shapers;
- Hobbers;
- Other types of CNC machinery.

**Materials used include, but are not limited to:**

- Steel;
- Stainless steel;
- Aluminum;
- Titanium;
- Inconel;
- Plastics;
- Shapes include: solid blocks, flat bar, tube, angle stock.

This classification includes the repair of items being manufactured or assembled when done by employees having operations subject to this classification. This is a shop or plant only classification and includes work performed in an adjacent yard when operated by an employer having operations subject to this classification.

**Exclusions:**

• Manufacturing or repairing of heavy arms is classified in 5109;

• Gun stores are classified in 6309;

• Manufacturing valves made in a die mold is classified in 3402-74;

• Activities away from the shop or plant must be reported separately in the applicable classification.

**Note:** For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

**3402-98 Machinery, N.O.C.: Manufacturing or assembly**

**Applies to:**

Businesses that manufacture or assemble machinery not covered by another classification (N.O.C.).

Finished products vary widely and range from hand held machines to those weighing thousands of pounds. For the purpose of this classification, machinery means any combination of mechanical parts constructed primarily with metal and associated electronic components.

**Work activities in this classification include, but are not limited to:**

- Cutting;
- Welding;
- Forming;
- Drilling;
- Riveting;
- Clamping and bolting;
- Machining.

**Note:** Manufacturers in this classification may have a separate electronic assembly area.

**Machinery manufactured or assembled include, but are not limited to:**

- Grinding machines;
- Boring machines;
- Conveyor systems;
- Wood chippers;
- Printing or bookbinding machinery;
- Confectioners or food processing machinery;
- Photo processing machinery (photo processors or film enlargers);
- Shoe or textile machinery;

• Office machinery (copiers, collators, mail/postage machines, calculators and automated letter openers);

- Cash registers;
- Sewing machines.

**Machinery and equipment used include, but are not limited to:**

- Lathes;
- Mills;
- Breaks;
- Shears;
- Welders;
- Presses;
- Binding machinery;
- Drills;
- Saws;
- Water jets;
- Hand and air tools.

**Note:** Machinery/equipment could be manual or computer numeric controlled (CNC).

**Materials used include, but are not limited to:**

- Metal in varied sizes, shapes and dimensions;
- Plastic;
- Wood.

This classification includes the repair of items being manufactured or assembled when done by employees having operations subject to this classification. This is a shop or plant only classification and includes work performed in an adjacent yard when operated by an employer having operations subject to this classification.

**Exclusions:**

• Worker hours or businesses setting-up, installing or repairing printing, bookbinding, confectioners, or food processing machines must be reported separately in 0603;

• Worker hours or businesses installing or repairing shoe or textile machinery must be reported separately in 0603;

• Activities away from the shop or plant must be reported separately in the applicable classification.

**Note:** For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

**AMENDATORY SECTION** (Amending WSR 08-15-132, filed 7/22/08, effective 10/1/08)

**WAC 296-17A-3404 Classification 3404.**

**~~(3404-01 Can. Manufacturing – Aluminum or galvanized~~**

~~Applies to establishments engaged in the manufacture of cans from aluminum or galvanized metals lighter than 9 gauge. Products include, but are not limited to, soda cans, food cans, and garbage cans. The galvanizing process includes dipping the tin/metal into liquid zinc. The manufacturing process involves cutting, forming, stamping, and soldering/welding. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification and when the repair work is done as a part of, and in connection with, the manufacturing or assembly operations. This is a shop or plant only classification; it includes~~

~~work being performed in an adjacent yard when operated by an employer having operations subject to this classification.~~

~~This classification excludes all activities away from the shop or plant.~~

**~~3404-02 Galvanized iron works: Manufacturing – Non-structural~~**

~~Applies to establishments engaged in the manufacture of nonstructural galvanized iron from sheet metal lighter than 9 gauge. Processes include cutting, forming, welding, riveting, punching, and drilling. The equipment used includes, but is not limited to, drills, presses, punches, shears, and press breaks. Establishments in this classification may paint, powder coat, or silk screen their products; which is included when performed by employees of employers subject to this classification. This classification includes the repair of items being manufactured or assembled when done by employees of employers subject to this classification and when the repair work is done as a part of, and in connection with, the manufacturing or assembly operations. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.~~

~~This classification excludes all activities away from the shop or plant.~~

**~~3404-03 Hardware, N.O.C.: Manufacturing~~**

~~Applies to establishments engaged in the manufacture of hardware that is not covered by another classification (N.O.C.), such as, but not limited to, handles, latches, hinges, and buckles. Operations include, but are not limited to, stamping and assembly, electroplating and/or other types of finishing. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification and when the repair work is done as a part of, and in connection with, the manufacturing or assembly operations. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.~~

~~This classification excludes all activities away from the shop or plant and establishments engaged in the manufacture of nuts, bolts, screws, nails, tacks, rivets, eyelets, spikes, and needles which are to be reported separately in classification 3402.~~

**~~3404-04 Metal stamping~~**

~~Applies to establishments engaged in the mass production of products by metal stamping techniques which impress, cut out, or shape something to a desired size. Products produced by this technique include, but are not limited to, license plates, pie plates, pots, and waste baskets. This classification includes any finish work when performed by employees of employers subject to this classification. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification and when the repair work is done as a part of, and in connection with, the manufacturing or assembly operations. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.~~

This classification excludes all activities away from the shop or plant.

**3404-06 Metal sign: Manufacturing**

Applies to establishments engaged in the manufacture of signs from metals lighter than 9 gauge. Materials may be cut, punched, drilled, riveted, and welded. Machinery includes, but is not limited to, punches, presses, drills, shears, brake presses, water jets and welders. All operations necessary to make a sign operative, such as, but not limited to, adding electrical wiring or circuitry, painting, powder coating, or silk screening are included within the scope of this classification. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification and when the repair work is done as a part of, and in connection with, the manufacturing or assembly operations. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant; the installation or removal of signs outside of buildings which is to be reported separately in classification 0403; the installation or removal of signs inside of buildings which is to be reported separately in classification 0513; sign painting or lettering on the inside of buildings, or establishments that paint on or apply lettering to sign "backings" that are manufactured by others, which is to be reported separately in classification 4109; and establishments engaged in the manufacture of wood or plastic signs which are to be reported separately in the classification applicable to the manufacturing process and materials.

**3404-07 Metal goods, N.O.C.: Manufacturing or assembly from materials lighter than 9 gauge**

Applies to establishments engaged in the manufacture or assembly of metal goods from materials lighter than 9 gauge which are not covered by another classification (N.O.C.) including water heaters, electric baseboard heaters, electric furnaces, boat manufacturing, and bicycles. Materials may be cut, punched, drilled, riveted, and welded. Machinery includes, but is not limited to, punches, presses, drills, shears, brake presses, and welders. This classification includes the repair of items being manufactured or assembled when done by employees of an employer subject to this classification and when the repair work is done as a part of, and in connection with, the manufacturing or assembly operations. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

**3404-12 Aluminum ware: Manufacturing from sheet aluminum**

Applies to establishments engaged in the manufacture of aluminum ware such as, but not limited to, mail boxes, buckets, gutters, and down spouts, from sheet aluminum. Materials may be cut, bent, punched, drilled, riveted, and welded. Machinery includes, but is not limited to, punches, presses, drills, shears, brake presses, and welders. This classification includes the repair of items being manufactured or assembled

when done by employees of an employer having operations subject to this classification and when the repair work is done as a part of, and in connection with, the manufacturing or assembly operations. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

**3404-18 Metal coffin/casket: Manufacturing or assembly**

Applies to establishments engaged in the manufacture of coffins or caskets out of metal. Materials may be cut, bent, punched, drilled, riveted, and welded. Machinery includes, but is not limited to, punches, presses, drills, shears, break presses, and welders. This classification includes the repair of items being manufactured or assembled when done by employees of an employer subject to this classification and when the repair work is done as a part of, and in connection with, the manufacturing or assembly operations. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification. Physically separated upholstery departments of establishments engaged in furniture, coffin, casket manufacturing, assembly, or finishing may be reported separately in classification 3808 provided all the conditions in the general reporting rule covering the division of an employees hours have been met.

This classification excludes all activities away from the shop or plant, and establishments engaged in the manufacture of caskets from wood or plastic which are to be reported separately in the classification applicable to the manufacturing process and materials.

**3404-19 Metal awnings: Manufacturing or assembly**

Applies to establishments engaged in the manufacture or assembly of awnings from metals lighter than 9 gauge. Materials may be cut, punched, drilled, riveted, and bent. Machinery includes, but is not limited to, punches, presses, drills, shears, brake presses, and welders. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification and when the repair work is done as a part of, and in connection with, the manufacturing or assembly operations. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant, and establishments engaged in the manufacture of awnings from canvas or other textiles which is to be reported separately in classification 3802.

**3404-20 Metal furniture, shower door, showcases: Manufacturing or assembly**

Applies to establishments engaged in the manufacture or assembly of furniture, shower doors, or showcases made with metals lighter than 9 gauge. Other items manufactured in this classification include, but are not limited to, file cabinets, desks, and stands. Material may be cut, punched, drilled, riveted, and bent. Machinery includes, but is not limited to, punches, presses, drills, shears, brake presses, and welders.

This classification includes the repair of items being manufactured or assembled when done by employees of an employer subject to this classification and when the repair work is done as a part of, and in connection with, the manufacturing or assembly operations. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification. Physically separated upholstery departments of establishments engaged in furniture, coffin, casket manufacturing, assembly, or finishing may be reported separately in classification 3808, provided all the conditions of the general reporting rule covering the division of an employee's hours have been met.

This classification excludes all activities away from the shop or plant and establishments engaged in the manufacture of wood furniture which are to be reported separately in classification 2905.

**3404-21 Stove: Manufacturing from metals lighter than 9 gauge**

Applies to establishments engaged in the manufacture of stoves from metals *lighter than 9 gauge*. Types of stoves include, but are not limited to, electric or gas cook stoves. Accessory materials such as, but not limited to, electrical assembly units, glass, plastic, or wood may be used in the manufacture of stoves. Materials may be cut, punched, drilled, riveted, and bent. Establishments in this classification may paint or powder coat their products which is included when performed by employees of employers subject to this classification. Machinery includes, but is not limited to, punches, presses, drills, shears, brake presses, grinders and welders. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification and when the repair work is done as a part of, and in connection with, the manufacturing or assembly operations. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant, and establishments engaged in the manufacture of wood stoves or other stoves made of metals 9 gauge or heavier which are to be reported separately in classification 3402.

**3404-24 Metal electric or gas lighting fixtures, lampshades or lantern: Manufacturing or assembly**

Applies to establishments engaged in the manufacture or assembly of metal fixtures, lampshades, or lanterns from materials lighter than 9 gauge. The metal fixtures may be equipped with electrical or gas lighting and used as signs or other display mediums. Metal may be cut, punched, drilled, riveted, and bent. Depending on the item being made, electrical or gas-filled tubes or bulbs may be attached. Machinery includes, but is not limited to, punches, presses, drills, shears, break presses, grinders, welders, and solders. Establishments in this classification may make a finished product or only component pieces. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification and when the repair work is done as a part of,

and in connection with, the manufacturing or assembly operations. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes establishments engaged in the manufacture of neon tube signs or displays that are not attached to metal backings which are to be reported separately in classification 3602, and all activities away from the shop or plant.

**3404-25 Brass or copper goods: Manufacturing**

Applies to establishments engaged in the manufacture of brass or copper goods such as, but not limited to, belt buckles, lamp stands, cooking utensils, and flower pots. Materials may be cut, punched, drilled, riveted, and bent. Machinery includes, but is not limited to, punches, presses, drills, shears, break presses, water jets, grinders, welders/solders and brazing guns. Establishments in this classification may make a finished product or a component part. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification and when the repair work is done as a part of, and in connection with, the manufacturing or assembly operations. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

**3404-26 Aluminum window, sash or door: Manufacturing or assembly**

Applies to establishments engaged in the manufacture or assembly of windows, sashes or doors from aluminum. Accessory materials such as, but not limited to, glass, wood or plastic may also be used in the assembly process. Materials may be cut, punched, drilled, riveted, and bent. Machinery includes, but is not limited to, punches, presses, drills, shears, break presses, grinders, and welders/solders. Establishments in this classification may make a finished product or only component parts. Manufacturers may paint, enamel, or bake a finish onto products, which is included when performed by employees of employers subject to this classification. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification and when the repair work is done as a part of, and in connection with, the manufacturing or assembly operations. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant; establishments engaged in manufacturing vinyl window sashes which are to be reported separately in classification 3512; and establishments engaged in manufacturing wooden window sashes and doors which are to be reported separately in classification 2903.

**3404-27 Auto or truck parts, N.O.C.: Manufacturing or assembly; miscellaneous stamped parts**

Applies to establishments engaged in the manufacture or assembly of auto or truck parts not covered by another classi-



fication (N.O.C.), and of miscellaneous stamped parts, such as, but not limited to, hub caps, fenders, and trim. Galvanizing or electroplating is included in this classification when performed by employees of employers subject to this classification. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification and when the repair work is done as a part of, and in connection with, the manufacturing or assembly operations. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

### **3404-29 Metal ski and toboggan: Manufacturing**

Applies to establishments engaged in the manufacture of skies or toboggans primarily from metal although wood or plastic component parts may also be used. Materials may be cut, punched, drilled, riveted, and bent. Machinery includes, but is not limited to, punches, presses, drills, water jets, shears, break presses, grinders, and welders/solders. Establishments in this classification may make a finished product or only a component part. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification and when the repair work is done as a part of, and in connection with, the manufacturing or assembly operations. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.)) **3404-06 Metal sign: Manufacturing**

#### **Applies to:**

Businesses that manufacture signs from metals lighter than 9 gauge.

#### **Work activities include, but are not limited to:**

- Punching;
- Drilling;
- Riveting;
- Welding;
- Painting;
- Powder coating;
- Silk screening;
- All activities necessary to make a sign operative, such as, adding electrical or circuitry.

#### **Machinery and equipment used include, but are not limited to:**

- Punches;
- Presses;
- Drills;
- Shears;
- Brake presses;
- Water jets;
- Welders.

This classification includes the repair of items being manufactured or assembled when done by employees having operations subject to this classification. This is a shop or plant

only classification and includes work performed in an adjacent yard when operated by an employer having operations subject to this classification.

#### **Exclusions:**

- Worker hours or businesses installing or removing signs outside buildings must be reported separately in 0403;
- Worker hours or businesses installing or removing signs inside buildings must be reported separately in 0513;
- Worker hours or businesses painting or lettering signs on the inside of buildings, or painting on or applying lettering to sign "backings" that are manufactured by others must be reported separately in 4109;
- Manufacturing wood or plastic signs is classified in the classification applicable to the manufacturing process and materials;
- Activities away from the shop or plant must be reported separately in the applicable classification.

**Note:** For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

### **3404-07 Metal goods, N.O.C.: Manufacturing or assembly from materials lighter than 9 gauge**

#### **Applies to:**

Businesses that manufacture or assemble metal goods from materials lighter than 9 gauge, that are not covered by another classification (N.O.C.). Metal goods in this classification include, but not limited to:

- Aluminum ware;
- Brass or copper goods.

This classification also includes the mass production of products by metal stamping.

Accessory materials such as, but not limited to, electrical assembly units, glass, plastic, or wood may be used in the manufacture of stoves.

#### **Work activities include, but are not limited to:**

- Dipping tin/metal into liquid zinc (galvanizing process);
- Cutting, drilling, punching, forming, bending, stamping, riveting and soldering/welding;
- Painting, powder coating or silk screening their products;
- Stamping and assembly work;
- Electroplating and other types of finishes;
- Electrical wiring or circuitry.

#### **Products manufactured include, but are not limited to:**

- Soda/food cans;
- Garbage cans;
- Handles, latches and hinges;
- License plates;
- Pots;
- Waste baskets;
- Water heaters;
- Electric baseboard heaters;
- Electric furnaces;
- Boats (lighter than 9 gauge);
- Bicycles;

- Mail boxes;
- Buckets;
- Gutters and downspouts;
- Electric or gas cook stoves;
- Belt buckles;
- Lamp stands;
- Cooking utensils;
- Flower pots;
- Stoves;
- Skis or toboggans;
- Hardware that is not covered by another classification

(N.O.C.).

**Note:** Products manufactured in this classification may be finished products or component parts.

**Machinery and equipment used include, but are not limited to:**

- Drills;
- Presses;
- Punches;
- Shears;
- Brake press;
- Welders;
- Grinders;
- Water jets;
- Brazing guns.

**Note:** Machinery/equipment could be manual or computer numeric controlled (CNC).

This classification includes the repair of items being manufactured or assembled when done by employees having operations subject to this classification. This is a shop or plant only classification and includes work performed in an adjacent yard when operated by an employer having operations subject to this classification.

**Exclusions:**

- Manufacturing nuts, bolts, screws, nails, tacks, rivets, eyelets, spikes and needles is classified in 3402;
- Manufacturing stoves of metals 9 gauge or heavier is classified in 3402;
- Activities away from the shop or plant which must be reported separately in the applicable classification.

**Note:** For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

**3404-20 Metal furniture, shower door, showcases, coffin/casket: Manufacturing or assembly**

**Applies to:**

Businesses that manufacture or assemble furniture, shower doors, coffins or caskets made with metals lighter than 9 gauge.

**Work activities include, but are not limited to:**

- Cutting;
- Drilling;
- Punching;
- Bending;
- Riveting;
- Soldering/welding.

**Products manufactured include, but are not limited to:**

- Coffins/caskets;
- Furniture;
- Shower doors;
- Showcases;
- File cabinets;
- Desks;
- Stands.

**Machinery and equipment used include, but are not limited to:**

- Punches;
- Presses;
- Drills;
- Shears;
- Brake presses;
- Welders.

This classification includes the repair of items being manufactured or assembled when done by employees having operations subject to this classification. This is a shop or plant only classification and includes work performed in an adjacent yard when operated by an employer having operations subject to this classification.

**Exclusions:**

- Manufacturing wood furniture is classified in 2905;
- Manufacturing caskets from wood or plastic, is classified in the classification applicable to the manufacturing process and material;
- Physically separated upholstery departments of establishments engaged in furniture, coffin, casket manufacturing, assembly, or finishing may be reported separately in classification 3808, provided all the conditions of the general reporting rule covering the division of an employee's hours have been met;

- Activities away from the shop or plant which must be reported separately in the applicable classification.

**Note:** For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

**3404-24 Metal electric or gas lighting fixtures, lampshades or lantern: Manufacturing or assembly**

**Applies to:**

Businesses that manufacture or assemble metal fixtures, lampshades, or lanterns from materials lighter than 9 gauge. Businesses in this classification may make a finished product or only component pieces.

**Work activities include, but are not limited to:**

- Punching;
- Cutting;
- Riveting;
- Drilling;
- Welding;
- Soldering;
- Assembly work;
- Attaching electrical or gas-filled tubes.

**Machinery and equipment used include, but are not limited to:**

- Punches;
- Presses;
- Drills;
- Shears;
- Brake presses;
- Grinders;
- Welders.

This classification includes the repair of items being manufactured or assembled when done by employees having operations subject to this classification. This is a shop or plant only classification and includes work performed in an adjacent yard when operated by an employer having operations subject to this classification.

**Exclusions:**

- Manufacturing neon tube signs or displays that are not attached to metal backings is classified in 3602;
- Activities away from the shop or plant which must be reported separately in the applicable classification.

**Note:** For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

**3404-26 Aluminum window, sash, door and metal awnings: Manufacturing or assembly****Applies to:**

Businesses that manufacture or assemble windows, sashes, doors, or awnings from metals lighter than 9 gauge. Accessory materials such as, but not limited to, glass, wood or plastic may be used in the assembly process.

Businesses in this classification may make a finished product or only component parts.

**Work activities include, but are not limited to:**

- Punching;
- Drilling;
- Riveting;
- Bending;
- Welding;
- Painting;
- Enameling;
- Assembly work.

**Machinery and equipment used include, but are not limited to:**

- Punches;
- Presses;
- Drills;
- Shears;
- Brake presses;
- Grinders;
- Welders.

This classification includes the repair of items being manufactured or assembled when done by employees having operations subject to this classification. This is a shop or plant only classification and includes work performed in an adjacent yard when operated by an employer having operations subject to this classification.

**Exclusions:**

- Manufacturing vinyl window sashes is classified in 3512;
- Manufacturing wooden window sashes and doors is classified in 2903;
- Manufacturing awnings from canvas or other textiles is classified in 3802;
- Activities away from the shop or plant which must be reported separately in the applicable classification.

**Note:** For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

**3404-27 Auto or truck parts, N.O.C.: Manufacturing or assembly; miscellaneous stamped parts****Applies to:**

Businesses that manufacture or assemble auto or truck parts not covered by another classification (N.O.C.).

**Work activities include, but are not limited to:**

- Punching;
- Drilling;
- Riveting;
- Bending;
- Welding;
- Assembly work;
- Galvanizing;
- Electroplating.

**Products manufactured include, but are not limited to:**

- Hub caps;
- Fenders;
- Trim;
- Auto or truck parts produced with metals lighter than 9 gauge (nonstamped).

**Machinery and equipment used include, but are not limited to:**

- Punches;
- Presses;
- Drills;
- Shears;
- Brake presses;
- Grinders;
- Welders.

This classification includes the repair of items being manufactured or assembled when done by employees having operations subject to this classification. This is a shop or plant only classification and includes work performed in an adjacent yard when operated by an employer having operations subject to this classification.

**Exclusions:**

- Activities away from the shop or plant which must be reported separately in the applicable classification.

AMENDATORY SECTION (Amending WSR 12-11-109, filed 5/22/12, effective 7/1/12)

**WAC 296-17A-0502 Classification 0502.****0502-04 Floor coverings or countertops: Installation or removal**

Applies to contractors engaged in the installation or removal of floor coverings or countertops.

- Floor coverings include, but are not limited to, carpet, vinyl, laminate, tile, terrazzo, or parquet;
- Countertops include, but are not limited to, laminate, tile, and solid surface (synthetic).

Tile is various sizes and shapes, usually from 1" x 1" up to 24" x 24" and packaged in a box. Tile installation in this classification includes, but is not limited to:

- Ceramic, glass, or clay tiles;
- Stone in tile-size dimensions, often used for interior installations in floors, showers, countertops, and back-splashes such as:

- Granite;
- Marble;
- Slate.

Work contemplated by this classification includes the installation and/or removal of:

- Countertops;
- Flooring;
- Padding;
- Tack or door strips;
- Subflooring;
- Base boards;
- Artificial turf when used for areas such as patios, and laid similarly to carpet.

This classification excludes contractors engaged in:

- The installation of stone countertops as described in classification 0302;
- The installation of hardwood countertops or flooring which is to be reported separately in classification 0513;
- The installation of countertops as described in this classification when the installation is part of an interior finish carpentry or cabinetry contract, which is to be reported in classification 0513;
- The installation of brick, block and slab stone as described in classification 0302;
- The installation of roofing tiles which is to be reported separately in classification 0507;
- The installation of artificial field turf in landscaping projects or athletic fields which is to be reported in classification 0301; and
- Floor covering stores which are to be reported separately in the applicable classification.

**Special note:** Contractors often have a showroom to display examples of their work and products which they install. If all the conditions of the general reporting rules covering standard exception employees have been met, employees engaged exclusively in showing the display areas or showrooms to customers are to be assigned classification 6303.

~~((0502-99 Floor coverings or countertops: Installation or removal~~

~~Applies to floor covering contractors who consider themselves to be independent contractors, have no employees, and have not elected owner coverage for themselves.~~

~~The purpose of assigning this classification is to allow the independent contractor the opportunity to be checked for "account in good standing" status for prime contractor liability.~~

~~**Special note:** Any contractor who hires employees or elects owner coverage is required to report in the applicable construction classification.))~~

AMENDATORY SECTION (Amending WSR 14-17-085, filed 8/19/14, effective 9/19/14)

**WAC 296-17A-0507 Classification 0507.**

**0507-05 Roofwork construction and repair**

Applies to contractors engaged in the installation or repair of roofing material on all types of new or existing buildings or structures. Roofing materials include, but are not limited to, felt roofing paper, rolled composition, wood, fiberglass or composition shingles or shakes, aluminum or sheet metal, masonry or ceramic tile, tar, and polyurethane foam. Installation of roofing materials varies with the product. Wood, fiberglass and composition shingles are nailed; masonry, slate or ceramic tiles require drilling, nailing or cementing; polyurethane foam is applied by spray then coated with a protective layer of paint-like material; hot tar requires melting in tanks, usually at ground level, then it is pumped or raised by bucket to the roof top and applied by spray or mop; cold apply uses an adhesive to bond roofing membranes to form a roofing system; cold tar is applied by brush, spray or mop; single ply involves large sheets of roofing material which are unrolled on the roof with edges overlapping and seamed; and metal roofing is seam welded or nailed. For purposes of this classification the term "roofwork" includes repairs to the subroof such as the replacement of trusses, rafters, supports, and sheathing, but excludes the placement of trusses, rafters, supports or sheathing on new building construction. Essentially, when removing the existing roof material from an existing building or structure it is not uncommon to find dry rot or deterioration to parts of the subroof. The repair of the subroof is part of the roof repair or replacement project and is included in this classification. By contrast, when a subroof is constructed on new buildings or structures, this activity is to be reported separately in the classification applicable to the work being performed such as 0510 for wood frame construction or 0518 for nonwood frame construction. This classification includes the installation or on-site maintenance of roofing materials composed of impermeable barriers, sod, soil, and plants, sometimes termed landscape roofing, living roofing, garden roofing, green/environmentally beneficial roofing, brown/biodiverse roofing, or vegetative roofing; and any installation or maintenance of a landscape roofing irrigation system.

This classification excludes roof cleaning, moss or snow removal on single story buildings not incidental to, or part of, a roofing contract which is to be reported separately in classification 6602; roof cleaning or moss removal of multiple story buildings not incidental to, or part of, a roofing contract which is to be reported separately in classification 0504; the installation of gutters and downspouts which is to be reported separately in classification 0519; waterproofing parts of buildings other than roofs which is to be reported separately in classification 0504 and/or 0101; placing roof trusses, rafters, supports and sheathing on new wood frame buildings which is to be reported separately in classification 0510; the application of polystyrene strips used as insulation on mobile

homes which is to be reported separately in classification 0512; and placing roof trusses, rafters, supports and sheathing on new buildings, N.O.C. which is to be reported separately in classification 0518.

~~((0507-99 Roofwork construction and repair (only to be assigned by the roofing specialist))~~

~~Applies to roofing contractors who consider themselves to be independent contractors, have no employees, and have not elected owner coverage for themselves.~~

~~The purpose of assigning this classification is to allow the independent contractor the opportunity to be checked for "account in good standing" for prime contractor liability.~~

~~**Special note:** Any contractor who hires employees or elects owner coverage is required to report in the applicable construction classification.))~~

AMENDATORY SECTION (Amending WSR 14-17-085, filed 8/19/14, effective 9/19/14)

**WAC 296-17A-0510 Classification 0510.**

**0510-00 Wood frame building: Construction or alterations, N.O.C.**

Applies to contractors engaged in wood frame building construction or alterations not covered by another classification (N.O.C.). For the purposes of this classification, wood frame building construction means buildings erected exclusively of wood or wood products. This classification includes all building framing activities done in connection with wood frame building construction including:

- Placement of roof trusses;
- Sheathing roofs;
- Installation of exterior building siding;
- Installation of exterior doors and door frames;
- Installation of windows, window frames, and skylights when performed by framing workers as part of the framing contract on a wood frame building;
- Erection of log home shells at customer's location.

The manufacturing of log homes in a permanent yard which includes peeling the logs, notching the logs with chain-saws, and assembly is to be reported in classification 1003-06.

This classification excludes all other phases of wood frame building construction not listed as part of the framing activities above such as, but not limited to:

- Site preparation and excavation (0101);
- Overhead or underground utilities, asphalt work, or concrete work which is to be reported separately in the applicable classification;
- New landscape work (0301);
- Brick work (0302);
- Stucco work (0303);
- Plumbing work (0306);
- HVAC work (0307);
- Carpet and tile work (0502);
- Exterior painting (0504);
- Roof work (0507);
- Insulation work (0512);
- Interior finish carpentry - Interior doors, cabinets, fixtures or molding (0513);

- Installation of garage doors (0514);
- Installation of sheet metal siding, gutters, and nonstructural sheet metal patio covers/carports (0519);
- Interior painting (0521);
- Electrical work (0601); and
- Wallboard installation, taping or texturing which are to be reported separately in the applicable classifications. For a more thorough description of the activities included and excluded from wood frame building construction, review the Construction Industry Guide.

**Special note:** Classification 0510 also includes wood frame building alterations or remodel work when the activity involves building new additions. The term "new additions" is defined as adding on to an existing wood frame building (upwards or outwards) in which the use of structural supports and main bearing beams is required. This is distinguishable from classification 0516 - Building repair or carpentry work that typically does not require the placement of structural supports or main bearing beams. The purpose of classification 0516 is to build or rebuild with nonstructural or bearing beams, or to replace an existing portion (including existing structural and bearing beams) of a wood frame building for appearances or as a result of deterioration to make it appear new again. Care should be exercised as the terminology to build, rebuild, remodel, construct or reconstruct is irrelevant to assignment of classification which should recognize what the project actually involves.

**Guidelines:**

- Altering all or part of an existing wood frame building by adding on new additions - 0510;
- Constructing a new wood frame building that never existed - 0510;
- Remodeling all or part of an existing wood frame building *without* adding on new additions - 0516;
- Altering all or part of an existing wood garage by adding on new additions - 0510;
- Altering the existing interior of a wood frame building by adding exterior additions - 0510;
- Constructing a new wood garage that never existed - 0510;
- Constructing, altering, or remodeling the interiors of nonwood frame buildings - 0516;
- Constructing a new wood carport or wood shed that never existed - 0510;
- Constructing or replacing a wood deck for any type of nonwood building - 0516;
- Constructing or replacing a wood deck on an existing wood house - 0516;
- Construction of a new wood deck by the framing contractor when a new wood house is being built - 0510;
- Installation of windows, window frames, and skylights when performed by framing workers as part of the framing contract of a wood frame building - 0510;
- Installation of nonmetal siding on a new wood frame building or a new addition - 0510;
- Installation of nonmetal siding on an existing structure by:
  - A siding contractor - 0510;
  - A remodeling contractor with subclassification 0516-02 - 0510;

- A remodeling contractor with subclassification 0516-00 - 0516-00;
- Rebuilding an existing wood carport or wood shed (all or part) with or without new additions - 0516;
- Remodeling all or part of an existing wood garage without adding on new additions - 0516;
- Remodeling the existing interior of a wood frame building without adding exterior additions - 0516.

**0510-99 (~~(Wood frame building)~~) Construction (~~(or alteration, N.O.C. (only to be assigned by the wood framing specialist))~~) contractor: No employees**

Applies to (~~(framing)~~) construction contractors who (~~(consider themselves to be independent contractors)~~) have no (~~(employees)~~) reportable workers, and have not elected owner coverage for themselves.

The purpose of assigning this classification is to allow the (~~(independent)~~) contractor the opportunity to be checked for "account in good standing" status for prime contractor liability. All businesses with active workers' compensation accounts must submit quarterly premium reports by the due dates, including businesses with no worker hours or other exposure to report.

**Special note:** Any contractor who (~~(hires employees)~~) has reportable workers or elects owner coverage is required to report in the applicable (~~(construction)~~) classification.

**Excluded operations:**

- Drywall contractors who have no reportable workers and have not elected owner coverage for themselves are classified in 0550-99.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

**WAC 296-17A-0550 Classification 0550.**

**0550-00 Wallboard installation, including scrapping (-); Nondiscounted rate (to be assigned only by the drywall underwriter)**

Applies to contractors engaged in the installation or repair of wallboard. This classification includes the installation of wallboard, drywall, or sheetrock in all types of residential or commercial buildings or structures. The process consists of cutting wallboard with a utility knife, hacksaw, or power saw to the desired size and then butting material into place and nailing or screw fastening to wood or metal wall studs. Electrical box, window, or door openings are cut out where needed. Installation may require the use of scaffolding, ladders, specialty lifts, or stilts when working at heights, including the use of T holders or hydraulic lifts to hold material being installed on ceilings. This classification also includes wallboard scrapping (picking up and discarding unused portions of wallboard remnants or scraps) at the construction site when performed by employees of the wallboard contractor.

This classification excludes delivery of materials to the construction site by material dealer employees which is to be reported separately in the applicable delivery classification; delivery and stocking of materials to the construction site when performed by employees of the wallboard contractor which is to be reported separately in classification 1101;

wallboard taping (including priming and texturing when performed by employees of the wallboard contractor) which is to be reported separately in classification 0541 or 0551; wallboard scrapping by nonwallboard contractor employees which is to be reported separately in the applicable construction debris cleanup classification; plastering, stuccoing or lathing work which is to be reported separately in classification 0303; and the framing of nonbearing walls when performed by the drywall contractor which is to be reported separately in classification 0516.

**0550-99 Wallboard installation (only to be assigned by the drywall specialist)**

Applies to drywall contractors who (~~(consider themselves to be independent contractors)~~) have no (~~(employees)~~) reportable workers, and have not elected owner coverage for themselves.

The purpose of assigning this classification is to allow the (~~(independent)~~) contractor the opportunity to be checked for "account in good standing" for prime contractor liability. All businesses with active workers' compensation accounts must submit quarterly premium reports by the due dates, including businesses with no worker hours or other exposure to report.

**Special note:** Any contractor who (~~(hires employees)~~) has reportable workers or elects owner coverage is required to report in the applicable (~~(construction)~~) classification.

AMENDATORY SECTION (Amending WSR 13-11-128, filed 5/21/13, effective 7/1/13)

**WAC 296-17A-1101 Classification 1101.**

**Note:** Classification 1101 is only to be assigned as a nature of business or if a basic classification specifically excludes delivery.

**1101-04 Automobile delivery or repossessing**

**Applies to (~~(establishments)~~):**

- Businesses engaged in delivering or repossessing individual automobiles for others; and
- Drivers of sound trucks. (~~(Generally, a client will contact the service company and arrange for a car to be delivered to a specific destination or request that a car of which they (client) is the legal owner, be repossessed and delivered to a specific location. In either case, a driver, not a motorized transportation service, does the delivery. Duties of employees subject to this classification)~~)

**Duties are generally limited to:**

- Unlocking vehicles; and
- Driving.

Generally, a client will contact the service company and arrange for a car to be delivered to a specific destination or request that a car of which they (client) are the legal owner, be repossessed and delivered to a specific location. In either case, a driver, not a motorized transportation service, does the delivery. It is common on long distance deliveries for the service company to use more than one driver. (~~(This classification also applies to drivers of sound trucks.~~

~~This classification excludes operation of)~~

**Exclusions:**

- Worker hours or businesses operating tractor/trailer combinations to transport vehicles ~~((which is to))~~ must be reported separately in classification 1102; and ~~((the use of))~~
- Worker hours using a tow truck ~~((which is to))~~, must be reported separately in classification 1109.

**1101-06 Delivery by retail and wholesale stores and distributors, N.O.C.****Applies to:**

- Employees of retail and wholesale stores engaged in inter-store delivery or customer merchandise delivery when excluded from the store classification(:);
- Employees of a company that contracts to perform those same services(:);
- Small package specialty delivery companies(:); and
- Delivery not covered by another classification (N.O.C.). ~~((Employees subject to this classification are generally involved in))~~

**Work activities include, but are not limited to:**

- Loading and unloading delivery vans or trucks ~~((and))~~;
- Driving from store to store ~~(-or)~~;
- Driving from a store to a customer's location ~~((Drivers may have))~~; and
- May drive designated routes or delivery areas.

~~((This classification excludes establishments))~~ **Exclusions:**

- Businesses engaged in general trucking services such as hauling bulk merchandise or commodities which are to be reported separately in classification 1102.

**1101-09 Parcel delivery companies for delivery of small parcels****Applies to** ~~((establishments))~~;

- Businesses engaged in the delivery of small parcels for others ~~((Establishments))~~;
- Contract mail delivery route drivers and contract hauling of mail between post offices; and
- Businesses subject to this classification may offer overnight express services, but usually do not deliver packages that exceed 150 pounds.

~~((contemplated by this classification includes, but is))~~ **Work activities include, but are not limited to**(:);

- Driving(:) delivery vehicles; and
- Loading and unloading delivery vehicles. ~~((This classification also applies to contract mail delivery route drivers and contract hauling of mail between post offices. This classification excludes the delivery of))~~

**Exclusions:**

- Worker hours or businesses delivering bulk freight such as that delivered by trucking companies ~~((which are to))~~ must be reported separately in classification 1102.

**~~((1101-14 News agents or distributors of magazines, periodicals and telephone books — No retail dealers~~**

~~Applies to establishments engaged in the distribution of newspapers, periodicals, and telephone books. Work contemplated by this classification includes, but is not limited to, driving, loading and unloading the vehicles, stocking shelves, and removing old periodicals from shelves.)~~

**1101-17 Driver delivery sales, N.O.C.****Applies to** ~~((establishments))~~;

- Businesses engaged in route sales of a wide variety of merchandise not covered by another classification (N.O.C.)(:); including, but not limited to, hand tools, automotive supply, and household items ~~((Sales personnel deliver products, show samples and solicit))~~; and
- Businesses or employees known as merchandisers who deliver products such as, but not limited to, greeting cards, over-the-counter medications, and grooming products to their customer's place of business then perform related merchandising functions.

**Work activities include, but are not limited to:**

- Delivering products;
- Showing samples;
- Soliciting further orders ~~((They may also call))~~;
- Calling on new customers along their route ~~((The classification also applies to establishments or employees known as merchandisers who deliver products to their customer's place of business then perform related merchandising functions such as))~~;
- Taking inventory of goods on hand(:);
- Restocking(:);
- Reordering(:);
- Removing outdated or damaged merchandise from shelves or the premises ~~((and/or))~~; and
- Assembling temporary displays ~~((which are))~~ usually made of lightweight material such as cardboard or plastic and used for promotional or seasonal goods. ~~((These merchandisers often deal in products such as, but not limited to, greeting cards, over the counter medications, and grooming products. This classification excludes))~~

**Exclusions:**

- Employees of ~~((establishments))~~ businesses who provide merchandising services, but who do not deliver products to the customer's place of business, ~~((who))~~ may be reported separately in classification 0607; and ~~((establishments))~~
- Businesses engaged in the set up or removal of advertising or merchandise displays that involve more than incidental assembly of seasonal or promotional exhibits ~~((which are to))~~ must be reported separately in classification 0607.

**Special note:** The distinguishing factor between merchandising employees who are to be reported in classification 1101-17 and those who may be reported in classification 0607 is the delivery of products to the customer's place of business. Any employee who delivers merchandise to the customer's place of business is to be reported in classification 1101.

**~~((1101-19 Route food services~~**

~~Applies to establishments engaged in route food services where prepackaged, prepared food is sold, or where food may be prepared in the mobile unit for immediate sale by employees of the route food service. Duties include, but are not limited to, driving, food preparation, loading and unloading the vehicle, and cashiering. Typical route food services include, but are not limited to, traveling coaches that sell beverages and prepared pastries or snack items at various locations during a given work day, ice cream wagons, refrigerated trucks that sell specialty prepackaged foods to route customers, or mobile "short order" food services that sell fast foods~~

at special events or at locations where hot food may not be available.

This classification excludes food preparation at a fixed location for the route food vehicles which may be reported separately in classification 3905 or as applicable, food vendors operating from a push cart or mobile stand and food vendors who operate from a truck or van but who do not move from place to place throughout the day who are to be reported separately in classification 3905.

**~~1101-20 Computer tape or accounting records delivery service~~**

Applies to establishments engaged in picking up and delivering computer tape, accounting records, or similar financial records to or from storage centers to customer locations. Delivery drivers in this classification often work in metropolitan areas and drive small cars or bicycles.

**~~1101-21 Errand service~~**

Applies to establishments engaged in providing errand services for others. Types of errands include, but are not limited to, shopping services, delivery of food, beverages or other commodities, and delivery of body fluid samples to laboratories. Vehicles used by these services are typically small cars or bicycles. This classification also applies to the distribution of sample merchandise by vehicle.))

**1101-21 Delivery services**

**Applies to:**

• Businesses engaged in providing certain delivery services, usually using vans, cars, or bicycles.

**Typical services include:**

- Delivering accounting or financial records;
- Delivering bodily fluid samples to and from laboratories;

ries:

- Errands;
- Delivering food, beverages, and other commodities;
- Delivering newspapers, magazines, telephone books;
- Route food services of prepackaged foods; and
- Shopping.

**Work activities include, but are not limited to:**

- Cashiering;
- Driving;
- Loading and unloading;
- Preparing and packaging foods for route service;
- Removing old periodicals from shelves;
- Running errands for others;
- Selling prepackaged foods on a route;
- Shopping for others;
- Stocking shelves; and
- Honor snack services operated independently from,

and not in connection with, coin-operated vending machine services.

**Exclusions:**

• Food truck businesses, are classified in classification 3905;

• Preparing and prepackaging food to sell as part of a route food delivery service that is not a food truck business as described in classification 3905, may be reported in classification 3905 if detailed time records are kept. Otherwise, all hours for the route food delivery service must be reported in classification 1101;

• Shopping and errand services performed as part of chore services for clients is classified in classification 6511; and

• Stocking and restocking vending machines as part of a vending machine business is classified in classification 0606.

**AMENDATORY SECTION** (Amending WSR 17-11-120, filed 5/23/17, effective 7/1/17)

**WAC 296-17A-3905 Classification 3905.**

**3905-00 Restaurants, N.O.C.**

Applies to establishments engaged in restaurant operations not covered by another classification (N.O.C.). These establishments are "traditional, family or full service" restaurants that provide sit-down services, or cafeteria or buffet style meals. This classification includes the preparation and service of food and beverages. Establishments in this classification may serve beer and wine including on premises consumption of beer from microbrewery operations in connection with the restaurant; however, they are prohibited from selling spirits or hard liquor. Typical occupations include, but are not limited to, hostesses, wait staff and assistants, cooks, dishwashers, cashiers, and managerial staff. This classification also includes the preparation of "take-out food" that customers pick up directly from the restaurant for consumption away from the premises and the operation of a card room in conjunction with the restaurant.

This classification excludes establishments engaged in operating restaurants or lounges that sell spirits or hard liquor which are to be reported separately in classification 3905-07, and catering services that are not part of the restaurant operation which are to be reported separately in classification 3909.

**Special note:** Traditional, family or full service restaurants are establishments where wait persons bring customers a menu, take orders, and deliver prepared meals to the customer's table or where customers choose from a variety of food items from a buffet or cafeteria style service. Such establishments will generally use nondisposable eating utensils and plates to serve food as opposed to throw away paper plates and plastic eating utensils. Includes establishments where orders are placed at the counter, and the food or drink is delivered to your table. Care should be exercised when dealing with establishments that provide entertainment such as musicians, entertainers, disc jockeys or piano players who may be exempt from coverage as an independent contractor. Musicians or entertainers who are considered to be employees of a restaurant are to be reported separately in classification 6605.

**3905-01 Food trucks, food, drink, and candy vendors or concessionaires**

Applies to street vendors, food trucks, and ((businesses engaged in operating)) food, drink or candy concessions at places such as, but not limited to, ball parks, race tracks, theaters ((and)), exhibitions, and other public or private spaces. This classification is applicable only to food service or concession operations which are operated independently from the facility or event ((at which)) where the ((concession)) service is being provided. These independent vendors selling



food items are not employees of the facility or site where the event or exhibition is taking place. Vendors subject to this classification sell a variety of foods, snacks, and beverages (~~items~~) from booths, food trucks, mobile push carts, mobile stands, carrying boxes, or trays.

This classification excludes food and beverage operations (concession stands) operated in connection with an event or facility by employees of the event sponsor or facility operator which are to be reported separately in the classification applicable to the event or exhibition; (~~vendors and~~) route food services (~~(, operating in a truck or van moving from place to place throughout the day)~~) selling prepackaged items on a route, which are to be reported separately in classification 1101; vendors of nonfood items which are to be reported separately in the applicable classification; and vending machine service companies that replenish food, snack and beverage products in connection with the vending machine business which are to be reported separately in classification 0606.

### **3905-03 Commissaries and restaurants with construction, erection, logging or mine operations**

Applies to commissary or restaurant operations conducted *exclusively* in connection with a construction, erection, logging or mining camp operation. This classification is limited to food preparation services provided at a camp site or at a mess hall used to feed employees of the construction, logging, erection, or mining company. The foods prepared and served are not intended for, or offered to, the general public.

**Special note:** The purpose of this classification is to provide employees engaged in the food preparation activity with a classification representative of the work being performed, even though such activities may be occurring at or adjacent to the construction, logging, erection or mining site as provided for in the general reporting rule covering general inclusions.

### **3905-04 Eating establishments, N.O.C. such as public lunch counters in stores**

Applies to establishments not covered by another classification (N.O.C.) engaged in operating lunch counters and restaurants within a retail store location. Use of this classification is limited to employees of an employer who also operates the retail store where the food service is located.

### **3905-06 Taverns**

Applies to establishments engaged in the operation of a tavern. A tavern is primarily engaged in the sale of beer, wine, and alcoholic beverages for on-premises consumption, and may also provide a variety of foods ranging from peanuts and pretzels to hot food dishes. Typical occupations include, but are not limited to, bartenders, wait staff and assistants, cooks, dishwashers, and managerial staff. Beer may also be sold by the keg with the rental of necessary taps and pumps. This classification includes the operation of a "beer garden" at special events such as, but not limited to, fairs or race meets, and the operation of a card room in connection with the tavern.

**Special note:** Care should be exercised when dealing with establishments that provide entertainment such as musicians, entertainers, disc jockeys or piano players who may be exempt from coverage as an independent contractor. Musi-

cians or entertainers who are considered to be employees of a tavern must be reported separately in classification 6605.

### **3905-07 Restaurants serving spirits or hard liquor**

Applies to establishments engaged in the operation of a restaurant having a license to sell spirits or hard liquor, beer and wine in connection with their food preparation and service. This classification includes the preparation and service of food and beverages at sit down restaurants and lounges including on premises consumption of beer from microbrewery operations in connection with the restaurant. Such establishments have extensive cooking facilities and equipment to prepare full meals. Typical occupations covered by this classification include, but are not limited to, bartenders, hostesses, wait staff and assistants, valet parking attendants, cooks, busboys, dishwashers, cashiers, and managerial staff. This classification also includes the preparation of "take-out food" that customers pick up directly from the restaurant for consumption away from the premises and the operation of a card room in connection with the restaurant.

This classification excludes establishments engaged as a restaurant without a license to sell spirits or hard liquor which are to be reported separately in classification 3905-00; taverns which are to be reported separately in classification 3905-06; catering services which are not part of a restaurant operation which are to be reported separately in classification 3909; musicians who are to be reported separately in classification 6605; and entertainers such as dancers who are to be reported separately in classification 6620.

**Special note:** Care should be exercised when dealing with establishments that provide entertainment such as musicians, entertainers, disc jockeys or piano players who may be exempt from coverage as independent contractors. Musicians or entertainers who are considered to be employees of a restaurant must be reported separately in classification 6605.

### **3905-08 Pizza parlors**

Applies to establishments engaged in operating a pizza parlor or restaurant. Establishments subject to this classification specialize in the preparation and sales of pizza (but may also provide other foods) and beverages such as wine, beer, alcoholic beverages, or soft drinks for on-premises consumption. Typical occupations include, but are not limited to, hostesses, wait staff and assistants, cooks, dishwasher, cashiers, and managerial staff. This classification also includes establishments that deliver pizza to customers, or where customers can pick up already prepared pizza at the shop, but where no customer seating is provided.

This classification excludes U-bake pizza operations which are to be reported separately in classification 6403.

**Special note:** Care should be exercised when dealing with establishments that provide entertainment such as musicians, entertainers, disc jockeys or piano players who may be exempt from coverage as independent contractors. Musicians or entertainers who are considered to be employees of a pizza parlor must be reported separately in classification 6605.

### **3905-09 Fast food drive-ins, N.O.C.**

Applies to establishments engaged in the operation of fast food drive-ins or restaurants. These establishments serve easily prepared foods quickly and nonalcoholic beverages which can be eaten on the premises or picked up by custom-

ers at a counter or a drive through window. Fast food establishments offer a variety of menu items such as, but not limited to, hamburgers, french fries, tacos, sandwiches, fried chicken, hot dogs, fish and chips, smoothies. Such establishments will generally use disposable eating utensils and throw away plates.

This classification excludes ~~((street vendors and/or route food services which are to be reported separately in classification 1101 and))~~ full service restaurants which are to be reported separately in classification 3905-00.

### 3905-11 Soft drink lounges

Applies to establishments engaged in operating soft drink lounges. These types of establishments may provide entertainment such as dancing for an adult audience or a place where youth under age 21 can dance or listen to music. These lounges do not sell alcoholic beverages. This classification includes the preparation and service of light snacks and hors d'oeuvres, such as chips, peanuts, pretzels or finger sandwiches.

This classification excludes entertainers such as exotic dancers who are to be reported separately in classification 6620; and musicians who are to be reported separately in classification 6605.

**Special note:** Care should be exercised when dealing with establishments that provide entertainment such as musicians, entertainers, disc jockeys or piano players who may be exempt from coverage as independent contractors. Musicians or entertainers who are considered to be employees of a lounge must be reported separately in classification 6605 or 6620 as applicable.

### 3905-12 Ice cream parlors

Applies to establishments engaged in the operation of an ice cream parlor or frozen yogurt shop. These specialty shops offer a limited menu, usually confined to ice cream and frozen yogurt offered in individual servings, various size containers, and specialty items. Special occasion ice cream cakes may be ordered and picked up at a later date by the customer. These establishments usually provide customer seating.

This classification excludes ~~((vendors and/or))~~ route food services~~((operating in a truck or van moving from place to place throughout the day))~~ selling prepackaged ice cream on a route, which are to be reported separately in classification 1101~~((and vendors selling ice cream from a booth, push cart, mobile stand or tray which are to be reported separately in classification 3905-01))~~.

### 3905-13 Candy, nut, and popcorn retail stores with on-premises manufacturing

Applies to establishments engaged in operating candy, nut or popcorn stores where some or all the products sold are manufactured on the premises. Establishments in this classification may sell a variety of candies, nuts, or popcorn, or may specialize in one or two products. They may also sell their products in gift wrapped packages.

This classification excludes establishments engaged in selling candy, nuts, or popcorn, *that do not manufacture* any product on the premises, which are to be reported separately in classification 6406; and establishments primarily engaged in the wholesale manufacturing of candy which is to be reported separately in classification 3906.

### 3905-14 Espresso/coffee stands and carts

Applies to vendors operating espresso or coffee stands or carts. Products sold include, but are not limited to, coffee, espresso, lattes, Italian sodas, soft drinks, pastries and pre-packaged items. These types of vendors *do not prepare food*. This classification is distinguishable from retail coffee, tea or spice stores in that coffee stands or carts in classification 3905 sell only ready-to-serve products; they do not sell packaged coffee, tea or spice items.

~~((This classification excludes street vendors and/or route food services which are to be reported separately in classification 1101.))~~

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

### WAC 296-17A-3909 Classification 3909.

#### 3909-00 Caterers

Applies to ~~((establishments))~~;

Businesses engaged in catering operations~~((This classification includes the preparation and serving of))~~ that prepare and serve food and beverages for customers ~~((who have arranged for their services))~~ for social and business events such as weddings, parties, bar mitzvahs, meetings or banquets. Foods prepared and served range from deli trays, sandwiches, box lunches, and buffets, to full meals. The food may be prepared at the caterer's own facility and delivered to the customer's location or may be prepared at the customer's location. ~~((Catering services))~~

Work activities include, but are not limited to~~((event planning.))~~;

• Planning event;

• Arranging tables~~((decorations.))~~;

• Decorating;

• Supplying utensils and dishes~~((.))~~;

• Bartending~~((.))~~;

• Waiting and busing tables~~((.))~~; and

• Taking care of leftover food and related clean-up after the event. ~~((This classification also includes))~~

Also included are:

• Businesses catering to airlines which involves preparing various foods and direct delivery to the airline with special trucks that maintain hot or cold foods~~((This classification also applies to))~~; and

• Businesses providing mobile food services, such as the nationwide federally supported Meals on Wheels program. Services are provided by communities or civic/social organizations to local residents who, because of physical disability or age, are unable to prepare their own food. The food is prepared and delivered to the client's home.

~~((This classification excludes street vendors or))~~

Note: Delivery by employees is included in classification 3909.

Exclusions:

• Food truck businesses classified in 3905-01; and

• Route food service~~((s))~~ businesses selling prepackaged food on a route, which ~~((are to be reported separately))~~ is classified in classification 1101-21.

**WSR 19-13-093**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**  
 (Dental Quality Assurance Commission)  
 [Filed June 18, 2019, 3:53 p.m.]

Supplemental Notice to WSR 19-03-072.

Preproposal statement of inquiry was filed as WSR 18-04-078.

Title of Rule and Other Identifying Information: WAC 246-817-550 Acts that may be performed by licensed dental hygienists under general supervision, supplemental notice to WSR 19-03-072. The dental quality assurance commission (commission) is proposing rule amendments add identified tasks from WAC 246-817-520, acts that may be performed by dental assistants under close supervision, to the list of allowable tasks that a dentist can delegate to dental hygienists under general supervision. This supplemental proposal removes orthodontic tasks.

Hearing Location(s): On July 26, 2019, at 9:35 a.m., at the Department of Health, Point Plaza East, Room 152/153, 310 Israel Road S.E., Tumwater, WA 98501.

Date of Intended Adoption: July 26, 2019.

Submit Written Comments to: Jennifer Santiago, P.O. Box 47852, Olympia, WA 98504, email <https://fortress.wa.gov/doh/policyreview>, fax 360-236-2901, by July 22, 2019.

Assistance for Persons with Disabilities: Contact Jennifer Santiago, phone 360-236-4893, fax 360-236-2901, TTY 360-833-6388 or 711, email [jennifer.santiago@doh.wa.gov](mailto:jennifer.santiago@doh.wa.gov), by July 22, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rule amendments update the listing of allowable duties a dentist may delegate to a licensed dental hygienist under general supervision with the exception of orthodontic tasks that were previously proposed. A licensed dental hygienist has appropriate education and training to competently perform the tasks in the proposed rule amendments after a dentist has examined and diagnosed the patient and provided subsequent instructions to be performed without the dentist physically present in the office. Additionally, several tasks in the proposed rule amendments may provide more opportunities for teledentistry when a dentist is not required to be on site. This would allow a dentist and dental hygienist to provide dental care to patients unable to be physically in the dental office.

Reasons Supporting Proposal: The commission considered a rule request in July 2017 to allow dental hygienists to perform certain tasks under general supervision that are typically completed by dental assistants under close supervision. Close supervision requires the dentist to be physically present in the treatment facility during the performance of a delegated task while general supervision does not. Identifying a list of acceptable tasks that may be delegated by a licensed dentist to a licensed dental hygienist in rule establishes enforceable practice standards while ensuring patient safety. Because a general supervision list of tasks already exists in current rule, rule making is necessary to amend the rule to include proposed tasks which are currently allowed under close supervision. Stakeholder comments received during the March 1, 2019, hearing expressed concerns that several of the orthodontic tasks were inappropriate to delegate under gen-

eral supervision. The commission determined four of the six orthodontic tasks require[d] examination, diagnosis, and treatment planning each time the task was performed.

The commission changed the original proposal to delete the following: Prepare teeth for the bonding of orthodontic appliances; bond attachments for clear removable orthodontic aligners; remove and replace archwires and orthodontic wires; and remove fixed orthodontic appliances, orthodontic cement, and orthodontic bonded resin material.

Statutory Authority for Adoption: RCW 18.32.0365 and 18.29.050.

Statute Being Implemented: RCW 18.32.0365 and 18.29.050.

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

Name of Proponent: Dental quality assurance commission, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Jennifer Santiago, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-4893.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting Jennifer Santiago, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4893, fax 360-236-2901, TTY 360-833-6388 or 711, email [jennifer.santiago@doh.wa.gov](mailto:jennifer.santiago@doh.wa.gov).

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. The proposed rule does not impose costs on businesses.

June 18, 2019

Julia Richman, DDS, Chairperson  
 Dental Quality Assurance Commission

AMENDATORY SECTION (Amending WSR 17-01-045, filed 12/13/16, effective 1/13/17)

**WAC 246-817-550 Acts that may be performed by licensed dental hygienists under general supervision.** A dentist may allow a dental hygienist licensed under chapter 18.29 RCW to perform the following acts under the dentist's general supervision:

- (1) Head and neck examination.
- (2) Oral inspection and measuring of periodontal pockets, with no diagnosis.
- (3) Record health histories.
- (4) Take and record blood pressure and vital signs.
- (5) Take intraoral and extraoral radiographs.
- (6) Take intraoral and extraoral photographs.
- (7) Patient education in oral hygiene.
- ~~((4) Take intra-oral and extra-oral radiographs.~~
- ~~(5))~~ (8) Give preoperative and postoperative instructions.
- (9) Oral prophylaxis and removal of deposits and stains from the surfaces of the teeth.
- (10) Give fluoride treatments.
- (11) Apply topical anesthetic agents.
- (12) Deliver oral antibiotic prophylaxis as prescribed by a dentist.

(13) Place and remove the rubber dam.

(14) Apply topical preventive or prophylactic agents.

~~((6))~~ (15) Administer local anesthetic agents and adjunctive procedures if all conditions in (a) through (d) of this subsection are met. Adjunctive procedures include local anesthetic reversal agents and buffered anesthetic.

(a) The patient is at least eighteen years of age;

(b) The patient has been examined by the delegating dentist within the previous twelve months;

(c) There has been no change in the patient's medical history since the last examination. If there has been a change in the patient's medical history within that time, the dental hygienist must consult with the dentist before administering local anesthetics;

(d) The delegating dentist who performed the examination has approved the patient for the administration of local anesthetics by a dental hygienist under general supervision and documented this approval in the patient's record;

(e) If any of the conditions in (a) through (d) of this subsection are not met, then close supervision is required.

~~((7))~~ (16) Perform subgingival and supragingival scaling.

(17) Perform root planing.

(18) Apply sealants.

(19) Polish and smooth restorations.

~~((8) Oral prophylaxis and removal of deposits and stains from the surfaces of the teeth.~~

~~(9) Record health histories.~~

~~(10) Take and record blood pressure and vital signs.~~

~~(11) Perform sub-gingival and supra-gingival scaling.~~

~~(12) Perform root planing.~~

~~(13) Apply sealants.~~

~~(14) Apply topical anesthetic agents.~~

~~(15) Deliver oral antibiotic prophylaxis as prescribed by a dentist.~~

~~(16))~~ (20) Sterilize equipment and disinfect operatories.

(21) Place retraction cord.

(22) Take impressions, bite registration, or digital scans of the teeth and jaws for:

(a) Diagnostic and opposing models;

(b) Fixed and removable orthodontic appliances, occlusal guards, bleaching trays, and fluoride trays; and

(c) Temporary indirect restorations such as temporary crowns.

(23) Take a facebow transfer for mounting study casts.

(24) Fabricate and deliver bleaching and fluoride trays.

(25) Fabricate, cement, and remove temporary crowns or temporary bridges.

(26) Place a temporary filling such as zinc oxide-eugenol or ZOE after diagnosis and examination by the dentist.

(27) Remove excess cement after the dentist has placed a permanent or temporary inlay, crown, bridge or appliance, or around orthodontic bands.

(28) Pack and medicate extraction areas.

(29) Place periodontal packs.

(30) Remove periodontal packs or sutures.

(31) Select denture shade and mold.

(32) Place and remove orthodontic separators.

(33) Select and fit orthodontic bands, try in fixed or removable orthodontic appliances prior to the dentist cementing or checking the appliance.

## WSR 19-13-104

### PROPOSED RULES

#### DEPARTMENT OF AGRICULTURE

[Filed June 19, 2019, 10:17 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-01-145.

Title of Rule and Other Identifying Information: WAC 16-228-1270 What are the restrictions on the use of pesticides on small seeded vegetable seed crops, seed alfalfa and seed clover?, the department is proposing to add garlic grown for seed to the list of seed crops in WAC 16-228-1270 as a result of a petition for rule making. In addition, the department is proposing to include several changes to improve clarity, organization, or readability of WAC 16-228-1270. Revisions include:

1. Modifying the title of the section to improve clarity;

2. Modifying the list of allowed seed crops to include the common name and scientific name, and expanding the list of seed crop names, to more accurately describe the specific seed crops that are subject to the rule;

3. Adding, in rule, the process currently used by the department to evaluate petitions for new seed crops; and

4. Expanding the conditions under which the rule would not apply to listed seed crops grown in Washington.

Hearing Location(s): On July 24, 2019, at 10:00 a.m., at the Washington State Department of Agriculture, 21 North 1st Avenue, Conference Room 238, Yakima, WA 98902.

Date of Intended Adoption: July 31, 2019.

Submit Written Comments to: Gloriann Robinson, Agency Rules Coordinator, P.O. Box 42560, Olympia, WA 98504-2560, email [wsdarulescomments@agr.wa.gov](mailto:wsdarulescomments@agr.wa.gov), fax 360-902-2092, by July 24, 2019, 5:00 p.m.

Assistance for Persons with Disabilities: Contact Maryann Connell, phone 360-902-2012, fax 360-902-2093, TTY 800-833-6388 or 711, email [mconnell@agr.wa.gov](mailto:mconnell@agr.wa.gov), by July 17, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The major change to this rule is the addition of garlic grown for seed to the list of seed crops in WAC 16-228-1270. This will allow the department to issue special local need (SLN) registrations for garlic grown for seed without pesticide residue data if all applicable requirements are met by the garlic seed industry.

Section 24(c) of the Federal Insecticide, Fungicide, Rodenticide Act (FIFRA) and Title 40 of the Code of Federal Regulations Section 162.152 authorizes state lead agencies responsible for registering pesticides to register a new end-use product or an additional use of a federally registered pesticide product to address an existing or imminent pest situation (i.e., the "special local need"). Generally, states can only issue SLN registrations for food crops, such as garlic, if pesticide residue data demonstrate that the pesticide residue will not exceed the tolerance established by the United States

Environmental Protection Agency (USEPA). States can also issue SLN registrations for food crops for pesticides having an appropriate exemption from tolerance. Adding garlic grown for seed to WAC 16-228-1270 specifically designates it as a nonfood and nonfeed site of pesticide use. It will allow the department to issue SLN registrations for garlic grown for seed without pesticide residue data if all applicable requirements for the prevention of treated garlic seed (bulbs) from being diverted into food or feed items are met by the garlic seed producers, processors and distributors. The rule specifies the conditions that must be met by the garlic seed industry, similar to conditions previously established in rule for other seed crops.

Other revisions will clarify which seed crops are subject to the rule, explain the process used by the department to consider adding seed crops to the list, and expand the conditions under which the rule does not apply. These revisions will improve the clarity and readability of the rule, and limit the scope of the rule to listed seed crops that are produced using pesticides without an established tolerance or tolerance exemption.

Reasons Supporting Proposal: Most garlic seed grown in Washington is sold to garlic growers in California for planting, and is not being sold or processed as a food crop. The development of pesticide residue data is expensive and time consuming, and it is very unlikely that registrants would be willing to conduct pesticide residue studies for crops grown on limited acreage (such as garlic grown for seed). Allowing the garlic seed industry to obtain pesticide registrations without the need of pesticide residue data is consistent with the process that has been successfully used for many years by other listed seed crops and will potentially provide access to additional pesticide tools to produce and manage their crop without submitting expensive pesticide residue research data. The department has consulted with USEPA regarding this issue. USEPA has no objection to adding garlic seed to the seed crop rule, providing the department has appropriate rules to prevent diversion of treated garlic seed into food or feed items.

Clearly limiting the scope of the rule will be a significant benefit to small scale garlic growers that are growing garlic as a food crop, as well as garlic seed for their own use (i.e., for planting). It will also be a benefit to growers of other listed seed crops, since the rule will only apply to listed seed crops produced using pesticides without an established tolerance or tolerance exemption that would allow use on the listed seed crop.

Clarifying the section title and the seed crops listed in the rule will help all seed crop growers better understand whether or not they are subject to the rule. The existing list of seed crops that are subject to the rule is confusing and inaccurate. For example, the current rule lists garden beet and sugar beet as synonyms when they are actually two separate crops.

Adding the evaluation process used by the department improves clarity and transparency for all interested parties, including seed crop growers.

Statutory Authority for Adoption: RCW 15.58.040, 17.21.030, and chapter 34.05 RCW.

Statute Being Implemented: Chapters 15.58 and 17.21 RCW.

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

Name of Proponent: Todd Crosby, private.

Name of Agency Personnel Responsible for Drafting and Implementation: Kelle Davis, 1111 Washington Street S.E., Olympia, 360-902-1851; Enforcement: Joel Kangiser, 1111 Washington Street S.E., Olympia, 360-902-2013.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The Washington state department of agriculture is not a listed agency under RCW 34.05.328 (5)(a)(i).

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party; and rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Is exempt under RCW 34.05.310 (4)(b) and (d).

Explanation of exemptions: RCW 34.05.310 (4)(b): The proposed rule describes the internal process used by the department to evaluate petitions for the addition of new seed crops considered nonfood and nonfeed sites of pesticide use in order to be transparent. Interested parties will have a better understanding of the evaluation process used by the department, and the type of information required to support the designation of a seed crop as a nonfood and nonfeed site.

RCW 34.05.310 (4)(d): The proposed rule clarifies the section title and the list of seed crops that are subject to the rule, consistent with USEPA crop terminology and previous revisions to the rule. Currently there are thirty-four seed crops that are listed in the rule, whereas the department has determined that there are actually forty-one seed crops that should be listed in the rule.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. The proposed rule does not impose any additional costs on businesses. In addition to the proposed amendments that fall under exemptions specified above, the department is proposing to add garlic grown for seed to the list of allowed crops that can be considered nonfood and nonfeed sites of pesticide use. Currently, garlic seed growers cannot obtain an SLN registration without submitting expensive pesticide residue research data. Adding garlic grown for seed to the list of nonfood and nonfeed sites of pesticide use allows the department to issue SLN registrations without the applicant submitting expensive pesticide residue research data as long as all applicable requirements for the prevention of treated garlic seed (bulbs) from entering or contaminating food or feed supply channels are met by the garlic seed producer, processor, and distributor. Receiving an SLN benefits the garlic seed industry by potentially providing access to additional pesticide tools to produce and manage their crop. There is no fee to the applicant for a standard SLN registration.

The rule proposal also expands the conditions under which seed growers are exempt from the rule. This benefits

all seed growers by clearly specifying when a seed grower does not need to comply with the rule. Currently, the rule exempts any seed crop certified under the Organic Products Act (chapter 15.86 RCW). The department is proposing to expand the exemptions to include conditions: (1) When no pesticides were applied to the seed crop, and (2) when using only pesticides registered and labeled for application to the seed crop, and having established tolerances or tolerance exemptions for residues of pesticides on the seed crop and its byproducts. Expanding the rule exemptions doesn't impose additional fees on the growers and the department does not anticipate significant additional compliance costs on growers.

June 19, 2019  
Robin Schoen-Nessa  
Assistant Director

**AMENDATORY SECTION** (Amending WSR 03-22-029, filed 10/28/03, effective 11/28/03)

**WAC 16-228-1270** (~~What are the restrictions on the use of pesticides on small seeded vegetable seed crops, seed alfalfa and seed clover?~~) **Restrictions on the use of pesticides on seed alfalfa, seed clover, small seeded herb and vegetable seed crops, and seed garlic.** (1) For purposes of pesticide registration, the following crops, when grown to produce seed specifically for crop reproduction purposes, are considered nonfood and nonfeed sites of pesticide use:

Common Name	Synonyms
alfalfa	
arugula	Mediterranean salad, rucola, roquette, Ghargir
beet	garden and sugar
broccoli	
broccoli raab	Rapani, Choy Sum, Chinese-flowering cabbage
Brussels sprouts	
cabbage	
carrot	
cauliflower	
Chinese cabbage (Bok-Choy)	Pak Choi (Choy), Bok Choi (Choy), Taisai, celery mustard, spoon-cabbage
Chinese cabbage (napa)	Pe-tsai
Chinese broccoli	Chinese kale, Gailon
clover	
collard	
coriander	cilantro
dill	
endive	escarole
kale	bore-kale
kohlrabi	

Common Name	Synonyms
leek	
lettuce	
mizuna	
mustard (including Chinese and Indian)	
onion (bulb)	
onion (bunching)	
parsley	
parsnip	
radish (other than daikon)	
rape	
rutabaga	
spinach	
spinach mustard	
swiss chard	spinach-beet
turnip	

Common Name	Scientific Name
alfalfa	<i>Medicago sativa</i>
arugula	<i>Eruca sativa</i>
beet, garden	<i>Beta vulgaris</i>
beet, sugar	<i>Beta vulgaris</i>
broccoli	<i>Brassica oleracea</i> var. <i>botrytis</i>
broccoli, Chinese	<i>Brassica oleracea</i> var. <i>alboglabra</i>
broccoli raab	<i>Brassica rapa</i> var. <i>ruvo</i>
Brussels sprouts	<i>Brassica oleracea</i> var. <i>gemmifera</i>
cabbage	<i>Brassica oleracea</i> var. <i>capitata</i>
cabbage, Chinese, bok choy	<i>Brassica rapa</i> var. <i>chinensis</i>
cabbage, Chinese, napa	<i>Brassica rapa</i> var. <i>pekinensis</i>
carrot	<i>Daucus carota</i>
cauliflower	<i>Brassica oleracea</i> var. <i>botrytis</i>
clover, berseem	<i>Trifolium alexandrinum</i>
clover, crimson	<i>Trifolium incarnatum</i>
clover, Persian	<i>Trifolium resupinatum</i>
clover, red	<i>Trifolium pratense</i>
clover, strawberry	<i>Trifolium fragiferum</i>
clover, white	<i>Trifolium repens</i>
collards	<i>Brassica oleracea</i> var. <i>acephala</i>

Common Name	Scientific Name
<u>coriander</u>	<u><i>Coriandrum sativum</i></u>
<u>dill</u>	<u><i>Anethum graveolens</i></u>
<u>endive</u>	<u><i>Cichorium endivia</i></u>
<u>kale</u>	<u><i>Brassica oleracea</i> var. <i>acephala</i></u>
<u>kohlrabi</u>	<u><i>Brassica oleracea</i> var. <i>gongyodes</i></u>
<u>leek</u>	<u><i>Allium ampeloprasum</i></u>
<u>lettuce, head</u>	<u><i>Lactuca sativa</i></u>
<u>lettuce, leaf</u>	<u><i>Lactuca sativa</i></u>
<u>mustard greens</u>	<u><i>Brassica juncea</i></u>
<u>mustard, seed</u>	<u><i>Brassica hirta</i></u>
<u>onion, dry bulb</u>	<u><i>Allium cepa</i></u>
<u>onion, Welsh</u>	<u><i>Allium fistulosum</i></u>
<u>parsley</u>	<u><i>Petroselinum crispum</i></u>
<u>parsnip</u>	<u><i>Pastinaca sativa</i></u>
<u>radish (other than radish, Oriental)</u>	<u><i>Raphanus sativus</i></u>
<u>rape greens</u>	<u><i>Brassica napus</i></u>
<u>rutabaga</u>	<u><i>Brassica napus</i> var. <i>napobrassica</i></u>
<u>spinach</u>	<u><i>Spinacia oleracea</i></u>
<u>spinach mustard</u>	<u><i>Brassica rapa</i> var. <i>perviridis</i></u>
<u>Swiss chard</u>	<u><i>Beta vulgaris</i> var. <i>cicla</i></u>
<u>turnip</u>	<u><i>Brassica rapa</i></u>

(2) For the seed crops listed in subsection (1) of this section, the following conditions shall be met:

(a) All seed screenings shall be disposed of in such a way that they cannot be distributed or used for human food or animal feed. The seed conditioner shall keep records of screening disposal for three years from the date of disposal and shall furnish the records to the director immediately upon request. Conditioner disposal records shall consist of documentation of on-farm disposal, disposal at a controlled dump site, incinerator, composter, or other equivalent disposal site and shall include the lot numbers, amount of material disposed of, the grower(s), and the date of disposal.

(b) No portion of the seed plant(§) including, but not limited to, green chop, hay, pellets, meal, whole seed, cracked seed, roots, bulbs, leaves and seed screenings may be used or distributed for food or feed purposes.

(c) All seed from the crops listed in subsection (1) of this section grown or conditioned in this state shall bear a tag or container label which forbids use of the seed for human consumption or animal feed.

(d) No seed from the crops listed in subsection (1) of this section grown or conditioned in this state may be distributed for human consumption or animal feed.

(3) For purposes of pesticide registration, the following crop, when grown to produce bulbs specifically for crop

reproduction purposes, is considered a nonfood and nonfeed site of pesticide use:

Common Name	Scientific Name
<u>garlic, bulb</u>	<u><i>Allium sativum</i></u>

"Garlic, bulb" is commonly referred to as "garlic seed" when grown to produce bulbs for crop reproduction purposes. For the purpose of this section, "garlic, bulb" and "garlic seed" have the same meaning, and are used interchangeably.

(4) For the bulb crop listed in subsection (3) of this section, the following conditions shall be met:

(a) All garlic seed debris shall be disposed of in such a way that it cannot be distributed or used for human food or animal feed. The garlic seed grower shall keep records of debris disposal for three years from the date of disposal and shall furnish the records to the director immediately upon request. Grower disposal records shall consist of documentation of on-farm disposal, disposal at a controlled dump site, incinerator, composter, or other equivalent disposal site and shall include the lot numbers, amount of material disposed of, the grower(s), and the date of disposal.

(b) No portion of the garlic seed plant including, but not limited to, green chop, hay, pellets, meal, roots, garlic bulbs, leaves and debris may be used or distributed for food or feed purposes.

(c) All garlic seed grown or processed in this state shall bear a tag or container label which forbids use of the garlic bulbs for human consumption or animal feed.

(d) No garlic seed grown or processed in this state may be distributed for human consumption or animal feed.

(5) Violation of any condition listed in subsection (2) or (4) of this section is declared to be a violation of chapters 17.21 and 15.58 RCW.

~~((4) Any seed crop certified under provisions of RCW 15.86.070, the Organic Food Products Act, shall be exempt from the requirements of this section.))~~ (6) If the department receives a proposal to add an additional seed crop not listed in subsection (1) or (3) of this section, sufficient information must be provided to the department to support the designation of the seed crop as a nonfood and nonfeed site. The department will determine if the designation of the seed crop as a nonfood and nonfeed site is appropriate based upon evaluation of available information, and may consult with the U.S. Environmental Protection Agency prior to a final decision.

(7) The conditions contained in subsections (1) through (6) of this section shall not apply to a seed crop grown in Washington, or its byproducts, if any one of the following conditions exist:

(a) No pesticides were applied to the seed crop;

(b) Only pesticides registered and labeled for application to the seed crop, and having established tolerances or tolerance exemptions for residues of pesticides on the seed crop and its by-products, were used on the seed crop; or

(c) If the seed crop has been certified under provisions of RCW 15.86.070 the Organic Products Act.