

FEBRUARY 5, 1986

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CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the code reviser's office, pursuant to chapter 28B.19 or 34.04 RCW, is available for public inspection during normal office hours. The code reviser's office is located on the ground floor of the Legislative Building in Olympia. Office hours are from 8 a.m. to noon and from 1 p.m. to 5 p.m. Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (206) 753-7470 (SCAN 234-7470).

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CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

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

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

Documents are arranged within each issue of the Register according to the order in which they are filed in the code reviser's office during the pertinent filing period. The three part number in the heading distinctively identifies each document, and the last part of the number indicates the filing sequence within an issue's material.

2. PROPOSED, ADOPTED, AND EMERGENCY RULES OF STATE AGENCIES AND INSTITUTIONS OF HIGHER EDUCATION

The three types of rule-making actions taken under the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW) may be distinguished by the size and style of type in which they appear.

- (a) **Proposed rules** are those rules pending permanent adoption by an agency and set forth in eight point type.
- (b) **Adopted rules** have been permanently adopted and are set forth in ten point type.
- (c) **Emergency rules** *have been adopted on an emergency basis and are set forth in ten point oblique type.*

3. PRINTING STYLE—INDICATION OF NEW OR DELETED MATTER

RCW 34.04.058 requires the use of certain marks to indicate amendments to existing agency rules. This style quickly and graphically portrays the current changes to existing rules as follows:

- (a) In amendatory sections—
 - (i) underlined matter is new matter;
 - (ii) deleted matter is (~~lined out and bracketed between double parentheses~~);
- (b) Complete new sections are prefaced by the heading NEW SECTION;
- (c) The repeal of an entire section is shown by listing its WAC section number and caption under the heading REPEALER.

4. EXECUTIVE ORDERS, COURT RULES, NOTICES OF PUBLIC MEETINGS

Material contained in the Register other than rule-making actions taken under the APA or the HEAPA does not necessarily conform to the style and format conventions described above. The headings of these other types of material have been edited for uniformity of style; otherwise the items are shown as nearly as possible in the form submitted to the code reviser's office.

5. EFFECTIVE DATE OF RULES

- (a) Permanently adopted agency rules take effect thirty days after the rules and the agency order adopting them are filed with the code reviser. This effective date may be delayed, but not advanced, and a delayed effective date will be noted in the promulgation statement preceding the text of the rule.
- (b) Emergency rules take effect upon filing with the code reviser and remain effective for a maximum of ninety days from that date.
- (c) Rules of the state Supreme Court generally contain an effective date clause in the order adopting the rules.

6. EDITORIAL CORRECTIONS

Material inserted by the code reviser for purposes of clarification or correction or to show the source or history of a document is enclosed in brackets [].

7. INDEX AND TABLES

A combined subject matter and agency index and a table of WAC sections affected may be found at the end of each issue.

1985 – 1986

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Action Date ³
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
For Inclusion in—	File no later than—			Count 20 days from—	For hearing/adoption on or after
85-18	Aug 7	Aug 21	Sep 4	Sep 18	Oct 8
85-19	Aug 21	Sep 4	Sep 18	Oct 2	Oct 22
85-20	Sep 4	Sep 18	Oct 2	Oct 16	Nov 5
85-21	Sep 25	Oct 9	Oct 23	Nov 6	Nov 26
85-22	Oct 9	Oct 23	Nov 6	Nov 20	Dec 10
85-23	Oct 23	Nov 6	Nov 20	Dec 4	Dec 24
85-24	Nov 6	Nov 20	Dec 4	Dec 18	Jan 7, 1986
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86-01	Nov 21	Dec 5	Dec 19, 1985	Jan 2, 1986	Jan 22
86-02	Dec 5	Dec 19	Dec 31, 1985	Jan 15, 1986	Feb 4
86-03	Dec 26, 1985	Jan 8, 1986	Jan 22	Feb 5	Feb 25
86-04	Jan 8	Jan 22	Feb 5	Feb 19	Mar 11
86-05	Jan 22	Feb 5	Feb 19	Mar 5	Mar 25
86-06	Feb 5	Feb 19	Mar 5	Mar 19	Apr 8
86-07	Feb 19	Mar 5	Mar 19	Apr 2	Apr 22
86-08	Mar 5	Mar 19	Apr 2	Apr 16	May 6
86-09	Mar 26	Apr 9	Apr 23	May 7	May 27
86-10	Apr 9	Apr 23	May 7	May 21	Jun 10
86-11	Apr 23	May 7	May 21	Jun 4	Jun 24
86-12	May 7	May 21	Jun 4	Jun 18	Jul 8
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86-14	Jun 4	Jun 18	Jul 2	Jul 16	Aug 5
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86-19	Aug 20	Sep 3	Sep 17	Oct 1	Oct 21
86-20	Sep 3	Sep 17	Oct 1	Oct 15	Nov 4
86-21	Sep 24	Oct 8	Oct 22	Nov 5	Nov 25
86-22	Oct 8	Oct 22	Nov 5	Nov 19	Dec 9
86-23	Oct 22	Nov 5	Nov 19	Dec 3	Dec 23
86-24	Nov 5	Nov 19	Dec 3	Dec 17	Jan 6, 1987

¹All documents are due at the code reviser's office by 5:00 p.m. on the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-12-035 or 1-13-035.

²A filing of any length will be accepted on the closing dates of this column if it has been prepared by the order typing service (OTS) of the code reviser's office; see WAC 1-12-220 or 1-13-240. Agency-typed material is subject to a ten page limit for these dates; longer agency-typed material is subject to the earlier non-OTS dates.

³"No proceeding may be held on any rule until twenty days have passed from the distribution date of the Register in which notice thereof was contained." RCW 28B.19.030(4) and 34.04.025(4). These dates represent the twentieth day after the distribution date of the applicable Register.

WSR 86-03-001
EMERGENCY RULES
DEPARTMENT OF TRANSPORTATION
(Transportation Commission)

[Order 52, Resolution No. 257—Filed January 2, 1986]

Be it resolved by the Washington State Transportation Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to the adoption of a new schedule of tolls for the Washington state ferry system, amending WAC 468-300-010, 468-300-020, 468-300-030, 468-300-040 and 468-300-070.

We, the Washington State Transportation Commission, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the immediate adoption of this rule amendment is necessary to permit an increase of tolls to commence January 5, 1986. This earlier commencement of the toll increase will result in an estimated increase of revenues

of \$700,000 for this biennium. A delay in the date of toll increase would require a higher rate to produce the same increase in revenue for this biennium.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 47.60.326 which directs that the Department of Transportation has authority to implement the provisions of RCW 47.60.326.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED December 12, 1985.

By Bernice Stern
 Chairman

AMENDATORY SECTION (Amending Order 44, Resolution No. 241, filed 5/3/85)

WAC 468-300-010 FERRY PASSENGER TOLLS.

((Effective 12:01 a.m. June 16, 1985

ROUTES	Full Fare		Half Fare**		COMMUNICATION TATION		PASSENGER SCHOOL	
	One Way	One Way	One Way	One Way	Rides	Rides	Ages	Ages
Fauntleroy-Southworth								
Seattle-Bremerton								
Seattle-Winslow	1.55	.80			18.60	15.50	7.75	
Pt. Townsend-Keystone								
Edmonds-Kingston								
Fauntleroy-Vashon								
Southworth-Vashon	2.00	1.00			12.00	10.00	5.00	
Pt. Defiance-Tahlequah								
Mukilteo-Clinton	1.00	.50			12.00	10.00	5.00	
Anacortes to Lopez, Shaw, Orcas or Friday Harbor	4.35	2.20			26.10	21.75	10.90	
Anacortes to Sidney and Sidney to all destinations	5.65	2.85			N/A	N/A	N/A	
Between Lopez, Shaw, Orcas and Friday Harbor	N/C	N/C			N/C	N/C	N/C	
From Lopez, Shaw, Orcas and Friday Harbor to Sidney@	2.00	1.00			N/A	N/A	N/A	

@These fares rounded to the nearest multiple of \$.25.)

Effective 12:01 a.m. ((June 15)) January 5, 1986

ROUTES	Full Fare ((One Way))	Half Fare** ((One Way))	COM- MU- TATION	PASSENGER SCHOOL COM- MU- TATION	
			20 Rides **** *****	*** 20 Rides Ages 12-20	5-11
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow	1.60 * 3.20	.80 1.60	19.20 19.20	16.00 16.00	8.00 8.00
Pt. Townsend-Keystone Edmonds-Kingston					
Fauntleroy-Vashon Southworth-Vashon Pt. Defiance-Tahlequah Mukilteo-Clinton	* 2.10	((+10)) 1.05	12.60 *****	10.50	5.25
((Mukilteo-Clinton	1.05	.55	12.60	10.50	5.25
Anacortes to Lopez, Shaw, Orcas or Friday Harbor	* 4.50	2.25	27.00	22.50	11.25
Anacortes to Sidney and Sidney to all destinations	5.85	2.95	N/A	N/A	N/A
Between Lopez, Shaw, Orcas***** and Friday Harbor	N/C	N/C	N/C	N/C	N/C
From Lopez, Shaw, Orcas and Friday Harbor@ to Sidney	2.25	1.25	N/A	N/A	N/A

@These fares rounded to the nearest multiple of \$.25.

*These routes operate on one-way only toll collection system.

**Half Fare

Senior Citizens - Passengers and driver, age 65 and over, with proper identification establishing proof of age, may travel at half-fare tolls on any route.

Includes passengers in vehicles licensed as stages and buses.

NOTE: Half-fare privilege does not include vehicle.

Children - Children under five years of age will be carried free when accompanied by parent or guardian. Children five through eleven years of age will be charged half-fare. Children twelve years of age will be charged full-fare.

Handicapped - Any individual who, by reason of illness, injury, congenital malfunction, or other incapacity or disability is unable without special facilities or special planning or design to utilize ferry system services, may travel at half-fare tolls on any route upon presentation of a WSF handicapped travel permit at time of travel. In addition, those handicapped persons who require attendant care while traveling on the ferries, and are so certified by their physician, may obtain an endorsement on their WSF handicapped travel permit and such endorsement shall allow the attendant to also travel at half fare.

NOTE: Half-fare privilege does not include vehicle.

***School commutation tickets - Tickets are for the exclusive use of bona fide students under twenty-one years of age attending grade, junior high, and high schools. Student shall be required to present credentials at time of purchase. A letter indicating school attendance signed by school principal or authorized representative shall be considered proper credentials. Tickets are valid for transportation on school days only.

****A combination ferry/bus public transit passenger monthly reusable ticket rate may be available for a particular route in conjunction with a public transit operating authority whenever it is determined by the transportation commission that said ticket is a necessary element of a transit operating plan designed to eliminate the necessity for assigning an additional ferry to such particular route, and that the resulting savings in ferry system operating and amortized capital costs exceed the total revenue lost as a result of this reduced rate as projected during the period of time during which such transit operating plan is projected to eliminate the need for an additional ferry. The equivalent ferry fare per ride with this special rate shall be one-half the equivalent fare per ride with the standard commutation book, and shall assume 40 one-way trips per month. The total cost of the ticket shall be the cost of the ferry portion, calculated as described above plus the cost of the bus portion as determined by the public transit operating authority, subject to the approval of the secretary of transportation. The ticket shall be valid only for passengers on board a bus, or for walk-on passengers on those routes which have connecting bus service as part of the transit operating plan. The assigning of an additional ferry to such particular route

may be cause for removal of the special rate. If the conditions of eliminating the assignment of an additional ferry or realizing sufficient resulting savings cannot be met, the ticket may be sold for any route authorized by the secretary of transportation, at the full ferry commutation fare per ride based on forty one-way trips per month plus the cost of the bus portion.

*****On the Fauntleroy-Vashon route, a combination ferry/bus public transit monthly reuseable ticket rate shall apply.

*****Commutation tickets shall be valid only for 90-days from date of purchase after which time the tickets shall not be accepted for passage. Washington state ferries shall enter into agreements with banks to sell commutation tickets.

*****Inter-island passenger fares included in Anacortes tolls.

PROMOTIONAL TOLLS

A promotional rate may be established at the discretion of the secretary of transportation for a specific discount (not to exceed 50 percent of full fare) and effective only at designated times on designated routes (not to exceed 100 days per year on any one route).

AMENDATORY SECTION (Amending Order 44, Resolution No. 241, filed 5/3/85)

WAC 468-300-020 AUTO, MOTORCYCLE AND BICYCLE FERRY TOLLS.

((Effective 12:01 a.m. June 16, 1985

	AUTO**		MOTORCYCLE		BICYCLE & RIDER		
	INCL. DRIVER	INCL. DRIVER	INCL. DRIVER	INCL. DRIVER	INCL. DRIVER	INCL. DRIVER	INCL. DRIVER
	Commutation	Commutation	Commutation	Commutation	Commutation	Commutation	Commutation
One	20	20	20	20	Full Fare	Half Fare	20
Way	Rides	Way	Rides	Way	One Way	One Way	Rides
	***		***				***
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow Pt. Townsend-Keystone Edmonds-Kingston	5.20	83.20	2.85	38.00	2.15	1.40	21.50
Fauntleroy-Vashon Southworth-Vashon Pt. Defiance-Tahlequah	* 7.00	56.00	3.80	25.35	3.00	2.00	15.00
Mukilteo-Clinton	3.50	56.00	1.90	25.35	1.50	1.00	15.00
		10 Rides					
Anacortes to Lopez, Shaw, Orcas or Friday Harbor	10.85 12.95 14.80	43.40 51.80 59.20	6.70 7.65 8.85	44.65 51.00 59.00	5.80	3.65	29.00
Anacortes to Sidney and Sidney to all destinations	24.35	N/A	12.25	N/A	8.00	5.10	N/A
Between Lopez, Shaw, Orcas and Friday Harbor	6.25	25.00	2.00	N/A	2.00	2.00	N/A
From Lopez, Shaw, Orcas and Friday Harbor to Sidney	12.25	N/A	5.50	N/A	3.00	2.00	N/A

@These fares rounded to the nearest multiple of \$.25.)

Effective 12:01 a.m. ((June 15)) January 5, 1986

	AUTO**		MOTORCYCLE		BICYCLE & RIDER		
	INCL. DRIVER	INCL. DRIVER	INCL. DRIVER	INCL. DRIVER	INCL. DRIVER	INCL. DRIVER	INCL. DRIVER
	Commutation	Commutation	Commutation	Commutation	Commutation	Commutation	Commutation
One	20	20	20	20	Full Fare	Half Fare	20
Way	Rides	Way	Rides	Way	One Way	One Way	Rides
	***		***				***
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow Pt. Townsend-Keystone Edmonds-Kingston	5.40	86.40	2.95	39.35	2.25	1.45	22.50
Fauntleroy-Vashon Southworth-Vashon	* ((7.30 7.25	58.40 58.00	3.90 3.95	26.00) 26.35	3.10	2.10	15.50
Pt. Defiance-Tahlequah Mukilteo-Clinton							

Effective 12:01 a.m. (~~June 15~~) January 5, 1986

	AUTO** INCL. DRIVER		MOTORCYCLE INCL. DRIVER			BICYCLE & RIDER	
	One Way	Commutation 20 Rides ***	One Way	Commutation 20 Rides ***	Full Fare One Way	Half Fare One Way	Commutation 20 Rides ***
((Mukilteo-Clinton	3.65	58.40	1.95	26.00	1.55	1.05	15.50)
		10 Rides					
Anacortes to Lopez, Shaw, Orcas	11.25	45.00	6.95	46.35			
* or Friday Harbor	13.45	53.80	7.95	53.00	6.05	3.80	30.25
	15.40	61.60	9.20	61.35			
Anacortes to Sidney and Sidney to all destinations	25.30	N/A	12.75	N/A	8.30	5.40	N/A
Between Lopez, Shaw, Orcas and Friday Harbor **** @	6.50	26.00	2.25	N/A	2.25	2.25	N/A
From Lopez, Shaw, Orcas@ and Friday Harbor to Sidney	12.75	N/A	5.75	N/A	3.25	2.25	N/A

@These fares rounded to the nearest multiple of \$.25.

*These routes operate on one-way only toll collection system.

**Vanpools - A commuter vanpool which carries seven or more persons on a regular and expense-sharing basis for the purpose of travel to or from work or school and which is certified as such by a local organization approved by the Washington state ferry system, may purchase for a \$10 fee, a permit valid for a three-month period on Mondays through Fridays only and valid only during the hours shown on the permit. The permit for commuter pool agency vanpools shall be valid for one year. These hours are selectable by the purchaser but shall designate two periods of use each day not to exceed two hours per period. The permit so purchased shall allow passage of the vehicle only during the valid periods. All riders in the van, including the driver, shall pay the applicable passenger fare. Except that the minimum total paid for all riders in the van shall not be less than the amount equal to seven times the applicable passenger fare.

***Commutation tickets shall be valid only for 90-days from date of purchase after which time the ticket shall not be accepted for passage. Washington state ferries shall enter into agreements with banks to sell commutation tickets.

****Tolls collected westbound only.

SUMMER SURCHARGE

A 20% surcharge shall be applied during the summer schedule period (beginning the third Sunday in June and ending the third Saturday in September) to regular, noncommutation auto and oversized vehicle rates only.

PENALTY CHARGES

Owner of vehicle without driver will be assessed a \$50.00 penalty charge.

Overhang on passenger vehicles will be assessed a penalty charge of 10¢ per lineal foot of overhang in addition to regular applicable tolls, except that no charge for overhang will be assessed when overall length of vehicle and overhang is less than twenty feet. A fraction of a foot of overhang in excess of six inches will be counted as one foot in assessment of charge for overhang.

SPECIAL SCHOOL RATE

School groups when traveling in authorized school vehicles for institution-sponsored activities shall be assessed a flat fee of \$1.00 per vehicles load of students and/or advisors and staff. The flat fee shall be in addition to regular vehicle and drive toll. Private vehicles need letter of authorization.

NOTE: Special school rate is \$2.00 on routes where one-way only toll systems are in effect. Special student Rate not available on Anacortes-Sidney, B.C. route beginning the third Sunday in June and ending the third Saturday in September due to limited space.

PROMOTIONAL TOLLS

A promotional rate may be established at the discretion of the secretary of transportation for a specified discount (not to exceed 50 percent of full fare) and effective only at designated times on designated routes (not to exceed 100 days per year on any one route).

AMENDATORY SECTION (Amending Order 44, Resolution No. 241, filed 5/3/85)

WAC 468-300-030 OVERSIZED VEHICLE, STAGE AND BUS, NEWSPAPER, EXPRESS SHIPMENT AND MEDICAL SUPPLIES FERRY TOLLS.

((Effective 12:01 a.m. June 16, 1985

ROUTES	OVERSIZED VEHICLES**		OVERSIZED VEHICLES**		STAGES AND BUSES	
	18' TO UNDER 28' LONG		28' OR LONGER		INCL. DRIVER***	
	One Way	Commutation 20 Rides *****	One Way	Commutation 20 Rides *****	One Way	Each Pass

Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow Edmonds-Kingston Pt. Townsend-Keystone	7.80	124.80	10.50	168.00	11.45	.80
Fauntleroy-Vashon Southworth-Vashon Pt. Defiance-Tahlequah	10.70	85.60	14.70	117.60	14.60	1.10
Mukilteo-Clinton	5.35	85.60	7.35	117.60	7.30	.55
Anacortes to Lopez, Shaw, Orcas or Friday Harbor	10 Rides 19.10	76.40	25.25	101.00	31.15	2.15
Anacortes to Sidney and Sidney to all destinations	30.95	N/A	36.30	N/A	45.35	2.85
Between Lopez, Shaw, Orcas and Friday Harbor	10.25	N/A	10.25	N/A	10.25	N/C
From Lopez, Shaw, Orcas, and Friday Harbor to Sidney	17.00	N/A	21.25	N/A	14.50	1.00

@These fares rounded to the nearest multiple of \$.25.

(1) BULK NEWSPAPERS per 100 lbs. \$2.05

(Shipments exceeding 60,000 lbs. in any month shall be assessed \$1.00 per 100 lbs.)

Daily Newspapers, in bundles, and medical supplies, to be received and delivered without receipt and subject to owner's risk, will be transported between ferry terminals on regular scheduled sailings.

(2) EXPRESS SHIPMENTS per 100 lbs. \$19.55

(Shipments exceeding 100 lbs. assessed \$7.75 for each 25 lbs. or fraction thereof.)

Express shipments will be handled on scheduled sailings when no other means of shipment is available to shipper. Shipments must be of a size and weight requiring a minimum of handling by carrier's employees. Carrier reserves the right to refuse shipment of any item. Carrier assumes no liability for loss or damage to any shipment. Minimum rate for any shipment shall be the rate for 100 pounds.

San Juan Inter-Island express shipments will be handled @ \$2.65 per 100 lbs.

(3) MEDICAL SUPPLIES per 100 lbs. \$1.05

(Medical supplies exceeding 100 lbs. shall be assessed express shipment rates.))

Effective 12:01 a.m. ((June 15)) January 5, 1986

ROUTES	OVERSIZED VEHICLES**		OVERSIZED VEHICLES**		STAGES AND BUSES	
	18' TO UNDER 28' LONG		28' OR LONGER		INCL. DRIVER***	
	One Way	Commutation 20 Rides *****	One Way	Commutation 20 Rides *****	One Way	((Each Pass))

Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow Edmonds-Kingston Pt. Townsend-Keystone	8.10	129.60	10.90	174.40	11.90	((-.90))
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Effective 12:01 a.m. (~~June 15~~) January 5, 1986

ROUTES	OVERSIZED VEHICLES** 18' TO UNDER 28' LONG		OVERSIZED VEHICLES** 28' OR LONGER		STAGES AND BUSES INCL. DRIVER*** One Way ((Each Pass))	
	One Way	Commutation 20 Rides *****	One Way	Commutation 20 Rides *****	One Way	((Each Pass))
Fauntleroy-Vashon Southworth-Vashon	11.10	88.80	(15.30) 15.25	122.40 122.00	15.20 15.15	1.20)
Pt. Defiance-Tahlequah Mukilteo-Clinton	5.55	88.80	7.65	122.40	7.60	.60)
Anacortes to Lopez, Shaw, Orcas or Friday Harbor	19.85	79.40	26.25	105.00	32.35	(2.30)
Anacortes to Sidney and Sidney to all destinations	32.15	N/A	37.70	N/A	47.10	(2.95)
Between Lopez, Shaw, Orcas and@ Friday Harbor*****	10.75	N/A	10.75	N/A	10.75	(N/E)
From Lopez, Shaw, Orcas, and Friday Harbor to Sidney@	17.50	N/A	22.00	N/A	15.00	(1.00)

@These fares rounded to the nearest multiple of \$.25.

(1) BULK NEWSPAPERS per 100 lbs. \$2.15

(Shipments exceeding 60,000 lbs. in any month shall be assessed \$1.05 per 100 lbs.)

Daily Newspapers, in bundles, and medical supplies, to be received and delivered without receipt and subject to owner's risk, will be transported between ferry terminals on regular scheduled sailings.

(2) EXPRESS SHIPMENTS per 100 lbs. \$20.30

(Shipments exceeding 100 lbs. assessed \$8.05 for each 25 lbs. or fraction thereof.)

Express shipments will be handled on scheduled sailings when no other means of shipment is available to shipper. Shipments must be of a size and weight requiring a minimum of handling by carrier's employees. Carrier reserves the right to refuse shipment of any item. Carrier assumes no liability for loss or damage to any shipment. Minimum rate for any shipment shall be the rate for 100 pounds.

San Juan Inter-Island express shipments will be handled @ \$2.75 per 100 lbs.

(3) MEDICAL SUPPLIES per 100 lbs. \$1.10

*These routes operate on one-way only toll collection system.

**Includes motor homes, and mobile campers that exceed eight feet in height and 18' in length. Excludes trucks licensed over 8,000 lbs., passenger busses and stages. All oversize vehicles under 18' in length will be considered as regular car and driver.

***Stages - A public transportation operator providing regularly scheduled week-day service for public necessity and convenience may pay a \$10 annual fee for each scheduled vehicle. This fee covers the fare for each trip of the vehicle and operator only. All occupants shall be assessed the applicable passenger rate per trip. The \$10 annual fee does not apply to vehicles providing chartered service or vehicles providing service for special events such as trips for recreational purposes.

- For vanpool fares, see WAC 468-300-020 under auto.

****Half fare.

*****Commutation tickets shall be valid only for 90-days from date of purchase after which time the tickets shall not be accepted for passage. Washington state ferries shall enter into agreements with banks to sell commutation tickets.

*****Toll collected westbound only.

SUMMER SURCHARGE

A 20% surcharge shall be applied during the summer schedule period (beginning the third Sunday in June and ending the third Saturday in September) to regular, noncommutation auto and oversized vehicle rates only.

PENALTY CHARGES

Owner of vehicle without driver will be assessed a \$50.00 penalty charge.

PROMOTIONAL DISCOUNTS

A promotional rate may be established at the discretion of the secretary of transportation for a specific discount (not to exceed 50 percent of full fare) and effective only at designated times on designated routes (not to exceed 100 days per year on any one route).

AMENDATORY SECTION (Amending Order 44, Resolution No. 241, filed 5/3/85)

WAC 468-300-040 TRUCKS AND TRUCKS WITH TRAILER FERRY TOLLS.

((Effective 12:01 a.m. June 16, 1985

ROUTES	INCL. DRIVER OVERALL UNIT LENGTH								Cost Per Ft. over 78 Ft.
	Class I ***	Class II	Class III	Class IV	Class V	Class VI	Class VII	Class VIII	
	Under 18'	18' to 28'	28' to 38'	38' to 48'	48' to 58'	58' to 68'	68' to 78'	Over 78'	
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow Pt. Townsend-Keystone Edmonds-Kingston	5.20	8.80	17.40	26.05	34.65	43.30	51.90	51.90	.70
Fauntleroy-Vashon Southworth-Vashon Pt. Defiance-Tahlequah	7.00	12.30	24.40	36.50	48.50	60.60	72.70	72.70	.90
Mukilteo-Clinton	3.50	6.15	12.20	18.25	24.25	30.30	36.35	36.35	.45
**Anacortes to Lopez, Shaw, Orcas * or Friday Harbor	10.85 12.95 14.80	21.00	41.70	62.40	83.10	103.90	124.60	124.60	1.75
Anacortes to Sidney **and Sidney to all destinations	24.35	31.95	53.90	75.90	97.90	119.95	141.95	141.95	1.95
Between Lopez, Shaw, Orcas *** @ and Friday Harbor	6.25	10.25	10.25	10.25	41.25	41.25	41.25	41.25	N/A
**From Lopez, Shaw, Orcas and Friday Harbor to Sidney @	13.00	18.75	31.75	44.75	57.50	70.50	83.50	83.50	1.00

@These fares rounded to the nearest multiple of \$.25.)

Effective 12:01 a.m. ((June 15)) January 5, 1986

ROUTES	INCL. DRIVER OVERALL UNIT LENGTH								Cost Per Ft. over 78 Ft.
	Class I ***	Class II	Class III	Class IV	Class V	Class VI	Class VII	Class VIII	
	Under 18'	18' to 28'	28' to 38'	38' to 48'	48' to 58'	58' to 68'	68' to 78'	Over 78'	
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow Pt. Townsend-Keystone Edmonds-Kingston	5.40	9.15	18.10	27.05	36.00	45.00	53.90	53.90	.75
Fauntleroy-Vashon Southworth-Vashon	7.30 7.25	12.80	25.40 25.35	37.90	50.40	63.00 62.95	75.50 75.55	75.50 75.55	1.00 .95
Pt. Defiance-Tahlequah Mukilteo-Clinton	3.65	6.40	12.70	18.95	25.20	31.50	37.75	37.75	.50
**Anacortes to Lopez, Shaw, Orcas * or Friday Harbor	11.25 13.45 15.40	21.80	43.35	64.85	86.35	107.95	129.45	129.45	1.80

Effective 12:01 a.m. (~~June 15~~) January 5, 1986

ROUTES	Class I *** Under 18'	INCL. DRIVER OVERALL UNIT LENGTH							Cost Per Ft. over 78 Ft.
		Class II 18' to Under 28'	Class III 28' to Under 38'	Class IV 38' to Under 48'	Class V 48' to Under 58'	Class VI 58' to Under 68'	Class VII 68' to Under 78'	Class VIII Over 78'	
Anacortes to Sidney **and Sidney to all destinations	25.30	33.20	56.00	78.85	101.70	124.65	147.50	147.50	2.05
Between Lopez, Shaw, Orcas *** @ and Friday Harbor	6.50	10.75	10.75	10.75	42.75	42.75	42.75	42.75	N/A
**From Lopez, Shaw, Orcas and Friday Harbor to Sidney@	13.50	19.50	33.00	46.50	59.75	73.25	86.75	86.75	1.00

@These fares rounded to the nearest multiple of \$.25.

*These routes operate on one-way only toll collection system.

**Commercial trucks are allowed stop-over at intermediate points upon payment of \$2.50 per stop-over.

***Includes all trucks licensed 8,001 lbs. gross vehicle weight and above, except busses. Trucks under 8,001 lbs. will be classified as automobiles.

Also includes all trucks licensed 8,001 lbs. gross vehicle weight and above pulling trailers, unlicensed vehicles and road machinery on wheels. Vehicles not included in this class cannot be charged under this class.

****UNITED STATES GOVERNMENT SPECIAL RATE - Special rates are available to the United States government through advance, bulk ticket purchase at the general offices of Washington state ferries. The per unit price is the same as the 28' to under 38', class III rate.

*****Toll collected westbound only.

PENALTY CHARGES

Owner of vehicle without driver will be assessed a \$50.00 penalty charge.

DISCOUNT PERCENTAGES FROM REGULAR TOLL

12 or more, one-way crossings within any consecutive six day period 25%

Emergency trips during nonservice hours - while at locations where crew is on duty charge shall be equal to the cost of fuel consumed to make emergency trip. Such trips shall only be offered as a result of official requests from an emergency services agency and only in the case of no reasonable alternative.

AMENDATORY SECTION (Amending Order 44, Resolution No. 241, filed 5/3/85)

WAC 468-300-070 VEHICLE WITH TRAILER FERRY TOLLS.

((Effective 12:01 a.m. June 16, 1985

	Vehicle with Trailer Ferry Tolls***				
	Under 18'	18' To Under 28'	28' To Under 38'	38' To Under 48'	48' And Over
Seattle-Winslow					
Seattle-Bremerton					
Edmonds-Kingston		5.20	7.80	10.50	14.85
Pt. Townsend-Keystone					
Fauntleroy-Southworth					
*Fauntleroy-Vashon					
*Southworth-Vashon	7.00	10.70	14.70	20.80	26.90
*Pt. Defiance-Tahlequah					
Mukilteo-Clinton	3.50	5.35	7.35	10.40	13.45

((Effective 12:01 a.m. June 16, 1985

	Vehicle with Trailer Ferry Tolls***				
	Under 18'	18' To 28'	28' To 38'	38' To 48'	48' And Over
Anacortes to Lopez, Shaw, Orcas or Friday Harbor	10.85 12.95 14.80	19.10	25.25	35.60	45.95
Anacortes to Sidney and Sidney to all destinations	24.35	30.95	36.30	47.30	58.30
Between Lopez, Shaw, Orcas and Friday Harbor	6.25	10.25	10.25	10.25	41.25
From Lopez, Shaw, Orcas and Friday Harbor to Sidney@	13.00	17.00	21.25	27.75	34.25

@These fares rounded to the nearest multiple of \$.25.)

Effective 12:01 a.m. ((June 15)) January 5, 1986

	Vehicle with Trailer Ferry Tolls***				
	Under 18'	18' To 28'	28' To 38'	38' To 48'	48' And Over
Seattle-Winslow Seattle-Bremerton Edmonds-Kingston Pt. Townsend-Keystone Fautleroy-Southworth	5.40	8.10	10.90	15.45	19.90
((*))Fautleroy-Vashon ((*))Southworth-Vashon	((7.30)) 7.25	11.10	((15.30)) 15.25	21.60	((27.90)) 27.95
((*)Pt. Defiance-Tahlequah Mukilteo-Clinton	3.65	5.55	7.65	10.80	13.95
Anacortes to Lopez, Shaw, Orcas or Friday Harbor	11.25 13.45 15.40	19.85	26.25	37.00	47.75
Anacortes to Sidney and Sidney to all destinations	25.30	32.15	37.70	49.15	60.55
Between Lopez, Shaw, Orcas and Friday Harbor	6.50	10.75	10.75	10.75	42.75
From Lopez, Shaw, Orcas and Friday Harbor to Sidney@	13.50	17.75	22.00	28.75	35.50

@These fares rounded to the nearest multiple of \$.25.

*These routes operate on one-way only toll collection system.

PENALTY CHARGES

Owner of vehicle without driver will be assessed a \$50.00 penalty charge.

*****INCLUDES THE FOLLOWING VEHICLES PULLING TRAILERS:**

- Automobiles
- Trucks licensed under 8,001 lbs. (For trucks 8,001 lbs. and over, see WAC 468-300-020)
- Oversize vehicles
- Does not include motorcycles with trailers.

****Toll collected westbound only.

Senior citizen discounts for the driver of the above vehicles shall apply.

Senior citizen discount is determined by subtracting full fare passenger rate and adding 1/2 passenger fare.

WSR 86-03-002
EMERGENCY RULES
DEPARTMENT OF GAME
(Game Commission)
 [Order 288—Filed January 2, 1986]

Be it resolved by the State Game Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to regulation change for sport fishing on the Snohomish River system, WAC 232-28-61502.

We, the State Game Commission, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the harvestable portion of the wild steelhead run allowed to be caught in the hook-and-line fishery will have been taken by January 1, 1986. All further harvest must be limited to hatchery-origin steelhead in order to meet the spawning escape-ment objective.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 77.12.040 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED December 6, 1985.

By Jack S. Wayland
 Director

NEW SECTION

WAC 232-28-61502 REGULATION CHANGE FOR SPORT FISHING ON THE SNOHOMISH RIVER SYSTEM. Notwithstanding the provisions of WAC 232-28-615 on the Snohomish River System, only steelhead with missing adipose or ventral fins may be possessed starting January 2, 1986. It is unlawful to possess a steelhead with a freshly cut or mutilated adipose or ventral fin effective January 2, 1986 to March 31, 1986.

WSR 86-03-003
EMERGENCY RULES
LOTTERY COMMISSION
 [Order 86—Filed January 3, 1986]

Be it resolved by the Washington State Lottery Commission, acting at Seattle, Washington, that it does adopt the annexed rules relating to:

- New WAC 315-11-190 Definitions for Instant Game Number 19 ("Three Cards Up").
- New WAC 315-11-191 Criteria for Instant Game Number 19.
- New WAC 315-11-192 Ticket validation requirements for Instant Game Number 19.

We, the Washington State Lottery Commission, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these rules inform the public, lottery retailers and lottery players of the definitions criteria and validation requirements for Instant Game 19 and are required before permanent rules can be adopted. Delay in implementation would be contrary to public interest.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 67.70.040 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED December 6, 1985.

By Duane Kovacevich
 Deputy Director

NEW SECTION

WAC 315-11-190 DEFINITIONS FOR INSTANT GAME NUMBER 19 ("THREE CARDS UP"). (1) Play symbols: The following are the "play symbols": "A"; "K"; "Q"; "J"; "10"; "9"; "7"; "6"; "5"; "4"; "3"; "2". One of these symbols appears under each of the three rub-off spots on the front of the ticket.

(2) Validation number: The unique nine-digit number on the lower right of the main portion (leftside) of the front of the ticket. The number is covered by latex which is overprinted "DO NOT REMOVE."

(3) Pack-ticket number: The ten-digit number of the form 9000001-000 printed on the front of the ticket. The first seven digits of the pack-ticket number for Instant Game Number 19 constitute the "pack number" which starts at 9000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(4) Captions: The small printed characters appearing below each play symbol which verifies and corresponds with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. For Instant Game Number 19, the captions which correspond with and verify the play symbols are:

PLAY SYMBOL CAPTION

A	ELV
K	TEN
Q	TEN
J	TEN
10	TEN
9	NIN
7	SEV
6	SIX
5	FIV
4	FOR
3	THR
2	TWO

(5) Agent verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the licensed agent uses to verify instant winners below \$25. For Instant Game Number 19, the agent verification code is a three-letter code, with each letter appearing in a varying three of four locations beneath the removable covering and among the play symbols on the front of the ticket. The agent verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
TIC	FREE TICKET
TWO	\$2.00
FIV	\$5.00
TEN	\$10.00
TTO	\$21.00

(6) Pack: A set of four hundred fanfolded instant game tickets separated by perforations and packaged in a plastic bag or plastic shrinkwrapping.

(7) Stub play symbol: The stub play symbol is a "W" found under the rub-off material on the front of the stub portion (right side) of the ticket. There will be from one to three "W's" on each stub.

(8) Stub number: The stub number is the pack-ticket number less the leading identifier and the dash. It will be printed above the stub play symbol(s).

NEW SECTION

WAC 315-11-191 CRITERIA FOR INSTANT GAME NUMBER 19. (1) The price of each instant game ticket shall be \$1.00.

(2) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(a) The bearer of a ticket having play symbols in the three spots beneath the removable covering on the front of the ticket shall win the following corresponding prize:

- 14 - Free Ticket
- 15 - \$2.00
- 16 - \$5.00
- 17 - \$10.00
- 18 - \$21.00
- 19 - \$50.00
- 20 - \$100.00
- 21 - \$5,000.00

(b) In any event, only the highest instant prize amount meeting the standards of (a) of this subsection will be paid on a given ticket.

(3) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 19 set forth in WAC 315-11-192, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(5) There will be a total of three grand prize drawings held in conjunction with the lottery's 1986 instant games. They will be conducted at times and places and pursuant to procedures to be established and announced by the director. The prize awarded at each of the grand prize drawings will be \$5,000.00 per month for life. Qualifying entries from Instant Game Number 19 will be entered into one or more of these grand prize drawings. In the event that an entry is not included in the grand prize drawing process and the director determines that the entry was entitled to participation in the process, the director reserves the right to place that entry into a subsequent grand prize drawing process.

(a) To be eligible for entry into the grand prize drawings, an entrant must:

(i) Be eligible to win a prize pursuant to chapter 67.70 RCW and Title 315 WAC.

(ii) Collect stubs with a total of ten "W" stub play symbols.

(iii) Write or print legibly, the entrant's name, address, and telephone number on the one or more stubs or on a separate sheet of paper. An entry containing more than one name shall be disqualified.

(iv) Place the stubs in an envelope. An envelope which contains extraneous material or which has had the exterior altered for the apparent sole purpose of making the envelope more prominent shall be disqualified.

(v) Mail the envelope with proper postage and a legible return address of the entrant to the address specified on the back of the ticket and in the player's brochure ("GRAND PRIZE DRAWING," Washington Lottery, Tacoma, WA 98455), or deliver it in person during normal business hours to lottery headquarters or any of the regional offices at the address listed in the player's brochure.

(b) There is no limit to the number of entries a person may submit, but each entry must be submitted in a separate envelope and both the entry and the entrant of each must meet the qualifications set forth above.

(c) Any entry which contains one or more stolen tickets may be disqualified by the director.

(d) A nonconforming entry, at the sole discretion of the director, may be disqualified.

(e) The lottery shall not be responsible for any other material, including winning tickets, mailed or delivered to the "GRAND PRIZE DRAWING". All mail not drawn will be incinerated unopened.

(f) The lottery shall not be responsible for, nor place in the grand prize drawing, any entries mailed or delivered to the wrong address.

(6) Supplemental drawings will be held each week using grand prize drawing entries received since the previous supplemental drawing. Entries received by the lottery at lottery headquarters by 9:00 a.m. local time on the day of a supplemental drawing shall be entitled to participation in that drawing. Entries received at headquarters after that time will be entered in the next supplemental drawing. The supplemental drawings will be conducted at times, places, and pursuant to procedures to be established and announced by the director. Entries selected during the supplemental drawings will be retained and be eligible for the next grand prize drawing provided they have not been disqualified pursuant to these rules. The director reserves the right to place an entry which was entitled to, but which was not entered into a supplemental drawing, into a subsequent supplemental drawing. The deadline for entry and the date of supplemental drawings may vary at the discretion of the director. The prize awarded at the supplemental drawing will be:

(a) \$21,000 cash; or

(b) The director may offer an alternate prize package valued at \$21,000 or more based on the suggested retail price for goods and services or face value for cash and securities.

(c) Selection of the cash prize or alternative prize package, if offered, shall be at the sole option of the winner. Provided, the selection must be made within five days after the drawing. If the winner fails, within that required time, to make a selection and/or tender any moneys required pursuant to (f) of this subsection, the winner will be deemed to have selected the prize of \$21,000 cash.

(d) Composition of the alternate prize package shall be at the discretion of the director.

(e) Total cost to the lottery of the alternate prize package including but not limited to cost of the prizes, taxes, and fees shall not exceed \$21,000.

(f) All taxes and fees including any cash payments necessary to satisfy withholding obligations pursuant to requirements of the Internal Revenue Service or other taxing unit shall be the responsibility of the winner. Provided, the director may include sufficient cash in the alternate prize package to satisfy tax obligations and/or fees due at the time the prize is awarded. Taxes and fees payable subsequent to that time shall be the responsibility of the winner.

(7) Notwithstanding any other provisions of these rules, the director may:

(a) Vary the length of Instant Game Number 19; and/or

(b) Vary the number of tickets sold in Instant Game Number 19 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

NEW SECTION

WAC 315-11-192 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 19. (1) In addition to meeting all other requirements in

these rules and regulations, to be a valid instant game ticket for Instant Game Number 19 all of the following validation requirements apply.

(a) Exactly one play symbol must appear under each of the three rub-off spots on the front of the ticket.

(b) Each of the three play symbols must have a caption below and each must agree with its caption.

(c) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Mead 18 Point font
Captions	Mead 5 x 11 Matrix font
Pack-Ticket Number	OCR-A Size 1 Condensed font
Validation Number	OCR-A Size 1 Condensed font
Agent Verification Code	Mead 7 x 12 Matrix font
Stub Play Symbols	Mead 9 x 12 Matrix font
Stub Number	Mead 5 x 11 Matrix font

(d) Each of the play symbols and their captions, the validation number, pack-ticket number agent verification code, stub play symbols, and the stub number must be printed in black ink.

(e) Each of the play symbols must be exactly one of those described in WAC 315-11-190(1) and each of the captions must be exactly one of those described in WAC 315-11-190(4).

(f) Each of the stub play symbols must be exactly as described in WAC 315-11-190(7) and the stub number as described in WAC 315-11-190(8).

(2) Removal of part or all of the latex overprinted "DO NOT REMOVE" covering of the validation number will not invalidate an otherwise valid ticket.

(3) Any ticket not passing all the validation requirements in WAC 315-10-070 and subsection (1) of this section is invalid and ineligible for any prize.

WSR 86-03-004
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF LICENSING
(Real Estate Commission)
 [Memorandum—December 30, 1985]

The Washington State Real Estate Commission hereby gives notice, as required by RCW 42.30.075, that it will hold four regular meetings in accordance with its own rule, WAC 308-124-007, during 1986. These meetings will be held:

<u>DATE</u>	<u>LOCATION</u>	<u>TIME</u>
March 11, 1986	Seattle Airport Hilton 17620 Pacific Highway South Seattle, Washington	10:00 a.m.
June 25, 1986	Red Lion Motor Inn 2525 North 20th Pasco, Washington	10:00 a.m.
September 11, 1986	Town Plaza Holiday Inn North 7th Street and East Yakima Avenue Yakima, Washington	10:00 a.m.
December 5, 1986	Best Western Tacoma Inn - Copperfield's 8736 South Hosmer Tacoma, Washington	10:00 a.m.

The Real Estate Commission will hold additional meetings, notice of which will be given in accordance with RCW 42.30.080.

All of these meetings are open meetings and the public is encouraged to attend.

WSR 86-03-005
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF NATURAL RESOURCES
 [Memorandum—December 31, 1985]

The January meeting of the WDPS User's Association will be held Tuesday, January 7, 1986, at 1:30 p.m. at the Adams Building training room.

WSR 86-03-006
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed January 3, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning food stamps, amending chapter 388-54 WAC;

that the agency will at 10:00 a.m., Wednesday, February 26, 1986, in the Auditorium, Office Building #2, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on March 5, 1986.

The authority under which these rules are proposed is RCW 74.04.510.

The specific statute these rules are intended to implement is RCW 74.04.510.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before February 26, 1986.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director
 Division of Administration and Personnel
 Department of Social and Health Services
 Mailstop OB 14
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Administrative Regulations Section, at State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by February 12, 1986. The meeting site is in a location which is barrier free.

Dated: January 2, 1986
 By: Lee D. Bomberger, Acting Director
 Division of Administration and Personnel

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Amending WAC 388-54-601 and 388-54-655, regarding seasonal and migrant farmworkers and prospective budgeting.

Purpose of the Rule Change: To clarify monthly reporting and retrospective budgeting policies.

Reason the Rule Change is Necessary: The definition of seasonal and migrant worker is required by federal clarification. References are added to prospective budgeting to ensure certain types of income are excluded.

Statutory Authority: RCW 74.04.510.

Summary of the Rule Change: WAC 388-54-601, seasonal and migrant are defined. Seasonal farmworkers will be budgeted retrospectively. Migrants will continue to be prospective; and 388-54-655, the definition of prospective will include references that exclude certain types of income in prospective budgeting. Specifically, travel advances and income of full-time students are excluded from migrant income.

Person Responsible for Drafting, Implementation and Enforcement of the Rule: Dana Beck, Program Manager, Assistance Programs, Division of Income Assistance, mailstop OB 31J, phone 753-4912.

These rules are necessary as a result of federal law, 7 CFR 273.21(b)(1).

AMENDATORY SECTION (Amending Order 2286, filed 9/24/85)

WAC 388-54-601 **DEFINITIONS.** (1) Beginning months - The first month the household is eligible for food stamp benefits and the month thereafter. The first beginning month cannot follow a month in which a household was certified eligible to receive coupons. This includes households who are found eligible but do not receive benefits due to proration.

(2) Compliance date - The last day in the process month that the community services office (CSO) will process monthly status reports.

(3) Food stamp monthly budgeting cycle - The three-month cycle consisting of the report month, process month, and the payment month.

(4) Food stamp monthly reporting - The eligibility requirement for food stamp recipients to submit a monthly report of household circumstances as specified in WAC 388-54-768(1).

(5) Migrant farmworker - A person traveling from state to state for agricultural employment within the migrant job stream.

(6) Payment month - The third month of the budgeting cycle. The month in which the food stamp allotment is affected by information reported on the monthly status report for the report month.

~~((7))~~ (7) Process month - The second month of the budgeting cycle. The month in which the monthly status report is to be returned by the client to the CSO.

~~((8))~~ (8) Prospective budgeting - The computation of a household's income based on income which has been received or anticipated income the household and the department are reasonably certain will be received during the month of issuance. Travel advances and income of students are treated per WAC 388-54-655 (3)(b) and 388-54-735(9), respectively.

~~((9))~~ (9) Prospective eligibility - The determination of eligibility based on prospective budgeting rules and other household circumstances anticipated during the month of issuance.

~~((10))~~ (10) Report month - The first month of the budgeting cycle. The month for which the recipient reports his or her circumstances.

~~((11))~~ (11) Retrospective budgeting - The computation of a household's income for a payment month based on actual income which existed in the corresponding report month of the budgeting cycle.

~~((12))~~ (12) Retrospective eligibility - The determination of eligibility based on retrospective budgeting rules and other circumstances existing in the report month.

(13) Seasonal farmworker - A person living within Washington state and moving within the state boundaries for seasonal agricultural employment.

AMENDATORY SECTION (Amending Order 1956, filed 4/6/83)

WAC 388-54-655 APPLICATION AND PARTICIPATION—DESTITUTE HOUSEHOLDS. (1) Migrant or seasonal farmworker households are considered destitute and eligible for expedited service as defined in WAC 388-54-601 (5) and (13) under the following circumstances:

(a) Households whose only income for the month of application was received prior to the date of application and was from a terminated source.

(b) Households whose only income for the month of application is from a new source, if income of more than twenty-five dollars from the new source will not be received by the tenth calendar day after the date of application.

(2) Destitute households shall have their eligibility and level of benefits calculated for the month of application by considering only income which is received between the first of the month and the date of application. Any income from a new source that is anticipated after the day of application shall be disregarded.

(3) Travel advances:

(a) Which are reimbursements of travel expenses will not affect the determination that a household is destitute.

(b) Which by written contract are an advance on wages and will subsequently be subtracted from wages earned later:

(i) Shall count as income in the month actually received;

(ii) Shall not affect the determination of whether subsequent payments from the employer are from a new source of income;

(iii) Shall not affect the determination of whether a household shall be considered destitute.

(4) Households whose income must be averaged on an annual basis, or averaged over the period the income is intended to cover, shall have the income averaged and assigned to the appropriate months of the certification period before a determination of destitution is made.

(5) A household member who changes jobs but continues to work for the same employer shall be considered as still receiving income from the same source.

(a) A migrant farmworker's source of income shall be considered to be the grower for whom the migrant is working at a particular point in time, and not the crew chief.

(b) A migrant who travels with the same crew chief but moves from one grower to another shall be considered to have moved from a terminated income to a new source.

(6) Households other than migrant or seasonable farmworkers shall not be classified as destitute.

WSR 86-03-007

NOTICE OF PUBLIC MEETINGS
TRANSPORTATION COMMISSION

[Memorandum—January 3, 1986]

The following is the schedule of meetings of the Washington State Transportation Commission:

The regular meetings of the Washington State Transportation Commission will be held on the third Thursday of each month in Room 1D2, Transportation Building, Olympia, Washington, at 9:30 a.m.

WSR 86-03-008

ADOPTED RULES

DEPARTMENT OF COMMUNITY DEVELOPMENT

[Order 85-19—Filed January 6, 1986]

I, Chuck Clarke, director of the Department of Community Development, do promulgate and adopt at the Ninth and Columbia Building, Olympia, Washington, the annexed rules relating to the conditions and procedures under which state funds will be made available to assist local emergency shelter programs.

This action is taken pursuant to Notice No. WSR 85-22-056 filed with the code reviser on November 5, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Community Development as authorized in RCW 43.63A.060 and chapter 34.04 RCW.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED December 26, 1985.

By Chuck Clarke
Deputy Director

Chapter 365-120

STATE FUNDING OF LOCAL EMERGENCY SHELTER PROGRAMS

WAC

365-120-010

Authority.

365-120-020

Purpose.

365-120-030

Definitions.

365-120-040

Grantee Funding Allocation.

365-120-050

Applicant Eligibility Criteria.

365-120-060

Financial Support Application Process.

NEW SECTION

WAC 365-120-010 AUTHORITY. These rules are adopted under the authority of chapter 43.63A RCW which provides that the director shall make such rules and regulations and do all other things necessary and proper to carry out the purposes of chapter 43.63A RCW. RCW 43.63A.065(2) provides that among its functions and responsibilities the department shall administer state and federal grants and programs which are assigned to the department by the governor or the legislature. The program which these rules are designed to implement is found in section 217, chapter 6, laws of 1985, 1st ex. sess.

NEW SECTION

WAC 365-120-020 PURPOSE. The purpose of this chapter is to set forth the conditions and procedures under which state funding will be made available to assist local emergency shelter programs.

NEW SECTION

WAC 365-120-030 DEFINITIONS. (1) "Department" means the department of community development.

(2) "Director" means the director of the department of community development.

(3) "Emergency shelter assistance program" means the statewide administrative activities carried out within the department of community development to allocate, award, and monitor state funds appropriated to assist local emergency shelter programs.

(4) "Emergency shelter program" means a program within a local agency or organization that provides emergency shelter services.

(5) "Applicant" means a public or private nonprofit organization or agency, or a combination thereof, which applies for state emergency shelter funds.

(6) "Grantee" means an applicant which has been awarded state funds under the emergency shelter assistance program and which has entered into a contract with the department of community development to provide emergency shelter services.

(7) "Lead agency grantee" means an applicant which has been awarded state funds under the emergency shelter assistance program and which has entered into a contract with the department of community development to administer subcontracts with one or more local agency providers of emergency shelter services.

(8) "Homeless" means persons, including families, who, on one particular day or night, do not have a decent and safe shelter nor sufficient funds to purchase a place to stay.

(9) "Voucher system" means a method of purchasing emergency shelter services by the night using a notification coupon.

(10) "Religious service" means any sectarian or nondenominational service, rite, or meeting that involves worship of a higher being.

(11) "Short-term" means one to thirty-one days.

(12) "Families" means one or more adults with dependent children under 18.

(13) "Congregate care facility" means a licensed boarding home or a licensed private establishment which has entered into a congregate care contract with the department of social and health services (WAC 388-15-560).

(14) "Group care facility" means an agency maintained and operated for the care of a group of children on a 24-hour basis (WAC 388-73-014[1]).

(15) "Crisis residential center" means an agency operated under contract with the department of social and health services to provide temporary protective care to children in a semi-secure residential facility in the performance of duties specified and in a manner provided in RCW 13.32A.010 through 13.32A.200 and RCW 74.13.032 through 74.13.036 (WAC 388-73-014[6]).

(16) "Detoxification center" means a public or private agency or program of an agency which is operated for the purpose of providing residential detoxification services for those suffering from acute alcoholism.

(17) "Current or continuous provider" means an agency or organization that currently provides or has provided emergency shelter services for some period during the most recent fiscal year.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 365-120-040 GRANTEE FUNDING ALLOCATION. Each county of the state is allocated a portion of the total grantee appropriation by the legislature according to the following formula:

(1) Five thousand dollars minimum allocation to every county to offset the limited resources and higher costs of providing services in rural areas;

(2) Fifty percent of the remaining funds distributed proportionally based on each county's percent of the state's population with an income of one hundred percent of poverty using federal guidelines; and

(3) Fifty percent of the remaining funds distributed proportionally based on each county's percent of the unemployed population during the last state fiscal year.

The department may award the combined allocation of two or more counties to a single applicant or divide a single county's allocation among two or more applicants.

The department may award a contract to a lead agency grantee to administer subcontracts with one or more local agency providers of emergency shelter services.

The department will give priority in the awarding of allocations to applicants who serve families and children in need of shelter.

The department will pay for services provided under the state emergency shelter assistance program after the grantee submits a monthly report of expenditures incurred and a request for reimbursement.

NEW SECTION

WAC 365-120-050 APPLICANT ELIGIBILITY CRITERIA. (1) The applicant for funding must be a current or continuous provider of emergency shelter or emergency services.

(2) The applicant must not require participation in a religious service as a condition of receiving emergency shelter.

(3) The applicant must not require residency in the designated service area as a requirement for a homeless person to receive services.

(4) The applicant must practice non-discrimination in providing services and employment.

(5) The applicant must not deny shelter to a homeless person because of his or her inability to pay.

(6) The applicant must provide short-term emergency shelter services either directly through a shelter facility or through a voucher system.

(7) Group care facilities, crisis residential centers, congregate care facilities, and detoxification centers are not eligible to receive emergency shelter assistance funding.

NEW SECTION

WSR 86-03-010

**PROPOSED RULES
DEPARTMENT OF LICENSING**

[Filed January 6, 1986]

✓ WAC 365-120-060 FINANCIAL SUPPORT APPLICATION PROCESS. (1) Potential applicants will be notified by the department that in order to be considered for state emergency shelter financial assistance, an application must be submitted to the department.

(2) An applicant must make formal application using forms issued and procedures established by the department. Such application shall be for the period July 1 - June 30, except for the first year, which will be for November 1, 1985 - June 30, 1986. Failure of an applicant to make application in a timely manner, as specified by the department, will result in denial of the funding request.

(3) Department funds may not be substituted for other existing funding sources.

(4) The total amount of funds provided to a grantee under this program may not exceed the total funding received from other sources for emergency shelter services during the fiscal year.

(5) Administrative costs under this program are limited to five percent of the total contract award. The administrative costs of a grantee that provides direct emergency shelter services and also serves as a lead agency grantee are limited to five percent of the grantee award for providing direct services plus five percent of the multi-agency service provider contract total.

(6) The department shall notify successful applicants and shall provide to each of them a contract for signature. This contract must be signed by an official with authority to bind the applicant and must be returned to the department prior to the award of any funds under this program.

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Licensing intends to adopt, amend, or repeal rules concerning vehicle licenses, chapter 46.16 RCW, amendatory sections WAC 308-96A-005, 308-96A-010, 308-96A-015, 308-96A-020, 308-96A-035, 308-96A-040, 308-96A-050, 308-96A-075, 308-96A-100, 308-96A-105, 308-96A-120, 308-96A-135, 308-96A-145, 308-96A-205, 308-96A-210, 308-96A-220, 308-96A-260, 308-96A-275, 308-96A-295 and 308-96A-300; and repealing WAC 308-96A-030, 308-96A-055, 308-96A-060, 308-96A-115, 308-96A-125, 308-96A-130, 308-96A-140, 308-96A-155, 308-96A-160, 308-96A-165, 308-96A-170, 308-96A-200, 308-96A-215, 308-96A-225, 308-96A-230, 308-96A-235, 308-96A-240, 308-96A-265, 308-96A-270, 308-96A-280, 308-96A-285, 308-96A-290 and 308-96A-305;

that the agency will at 10:00 a.m., Wednesday, February 26, 1986, in the First Floor Exam Room, 1300 Quince Street, Olympia, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 46.01.110, 46.16.135, 46.16.225 and 46.16.490.

The specific statute these rules are intended to implement is chapter 46.16 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before February 26, 1986.

Dated: January 3, 1986

By: Sandra Brooks, Administrator
Title and Registration Control

**WSR 86-03-009
NOTICE OF PUBLIC MEETINGS
COMMISSION ON
ASIAN AMERICAN AFFAIRS
[Memorandum—January 2, 1986]**

STATEMENT OF PURPOSE

Name of Agency: Washington State Department of Licensing.

Purpose: To clarify, modify and update the rules to conform to current procedures for licensing vehicles.

Statutory Authority: RCW 46.01.110, 46.16.135, 46.16.225 and 46.16.490.

Summary of the Rules: Amendments are proposed for the following sections of the Washington Administrative Code: WAC 308-96A-005 Terminology; 308-96A-010 Certificate of registration required; 308-96A-015 Duplicate certificate of registration; 308-96A-020 Replacement plates and validation tabs; 308-96A-035 Manual renewal; 308-96A-040 Monthly abatement of excise tax; 308-96A-050 Members of the armed forces—Excise tax exemption for nonresidents; 308-96A-075 Antique cars—Use limitations; 308-96A-100 Licensing according to use instead of vehicle type; 308-96A-105 Motor homes; 308-96A-120 Campers; 308-96A-135 Fixed load vehicles; 308-96A-145 Cab and chassis; 308-96A-205 Increasing tonnage; 308-96A-210 Transfer of tonnage license—No refunds; 308-96A-220 Transfer of tonnage license—To replacement vehicle;

The following is the schedule for 1986 regular meetings of the Washington State Commission on Asian American Affairs:

February 22	Olympia
April 19	Seattle
June 21	Yakima
September 20	Spokane
November 15	Tacoma

All meetings will begin at 9:30 a.m. on the day scheduled, however, exact meeting locations are as yet undetermined.

308-96A-260 Staggered licensing—Assignment of registration year first time licensed; 308-96A-275 Staggered licensing—Renewal after first billing; 308-96A-295 Display of tabs; and 308-96A-300 Changing assigned registration year. The following sections of the Washington Administrative Code are repealed: WAC 308-96A-030 Annual license renewal—Renewal by mail; 308-96A-055 Nonresident military temporary license; 308-96A-060 License plates not transferable—Exceptions; 308-96A-115 Personal use trailers; 308-96A-125 "Drive yourself" or "U-drive" vehicles; 308-96A-130 Hearses and ambulances; 308-96A-140 Special construction equipment; 308-96A-155 Change of class; 308-96A-160 Change of class—Sale of exempt vehicle; 308-96A-165 Change of class—Purchase of previously nonexempt vehicle by state, county, or city department; 308-96A-170 Change of class—Exempt agencies returning leased vehicles; 308-96A-200 Computing capacity fee; 308-96A-215 Transfer of tonnage license—From person to person; 308-96A-225 Transfer of tonnage license—To a farmer; 308-96A-230 Transfer of tonnage license—From a farmer; 308-96A-235 Transfer of tonnage license—Involuntary transfer; 308-96A-240 Transfer of tonnage license—Vehicle transferred to another state; 308-96A-265 Staggered licensing—Conversion of vehicles currently licensed; 308-96A-270 Staggered licensing—Billing for other than twelve months; 308-96A-280 Staggered licensing—Excise tax computation; 308-96A-285 Quarterly tonnage; 308-96A-290 Quarterly tonnage—Refunds excess of twelve months; and 308-96A-305 Quarterly tonnage—Destroyed vehicles rebuilt.

Reason Proposed: The proposed rules as amended and the proposed repeal of rules will enhance the Department of Licensing's ability to protect the public.

Responsible Departmental Personnel: In addition to the director of the Department of Licensing, the following individuals have knowledge of and responsibility for drafting, implementing and enforcing these rules: Donna M. Stringer, Assistant Director, Vehicle Services, Second Floor, Highways-Licenses Building, Olympia, Washington, phone (206) 753-6914 comm or 234-6914 scan, and Sandra Brooks, Administrator, Title and Registration Control, Second Floor, Highways-Licenses Building, Olympia, Washington, phone (206) 753-6920 comm or 234-6920 scan.

Proponents: Washington State Department of Licensing.

Federal Law or Federal or State Court Requirements: Not necessitated as the result of federal or state court action.

Small Business Economic Impact Statement: Not required for this statement.

AMENDATORY SECTION (Amending Order MV-355, filed 5/10/76)

WAC 308-96A-005 TERMINOLOGY. (1) ~~("Director" shall mean the director of the department of motor vehicles unless the director of a different agency is named:~~

~~(2) "Department" shall mean the department of motor vehicles unless a different department is specified:~~

~~(3) "The state" shall mean the state of Washington.~~

~~((4)) The terms "licensing" and "registering" are synonymous for the transaction in which both a certificate of registration and license plates and/or current validation tabs are issued to the applicant.~~

~~((5)) (2) The terms "tonnage," "load license," "gross weight license," and "gross weight fees" are used interchangeably and refer to those additional fees and receipts ~~((therefore))~~ that are charged owners of motor trucks and truck tractors according to their vehicles' maximum gross weights.~~

~~((6)) (3) "Capacity fee" is used to refer to the load license for stages and for-hire vehicles with seating capacity of six or less.~~

~~((7)) (4) A "prebill" is the notice to renew a vehicle license that is mailed from Olympia to the registered owner.~~

~~((8) The words "staggered licensing" shall mean a system of vehicle licensing wherein vehicle licenses expire at varying times throughout a calendar year.~~

~~((9)) (5) References to "current year" ~~((shall))~~ mean the current registration year unless otherwise stated.~~

~~((10) The term "registration year" shall mean the effective period of a vehicle license issued by the department. Such year shall commence at 12:01 a.m. on the date of the calendar year designated by the department and shall end at 12:01 a.m. on the same date of the next succeeding calendar year.~~

~~((11)) (6) "Month of expiration" or "expiration month" is the calendar month during which a registration year ends.~~

~~((12)) (7) A "fleet" is a group of ~~((25))~~ fifteen vehicles or more registered in the same name and whose owner has been assigned a fleet identifier code by the department.~~

~~((13) "Exempt vehicles" are those owned, rented or leased by the state, or by any county, city, town, school district or other political subdivision of the state and used exclusively by them.~~

~~((14) "Federal exempt vehicles" are those owned or leased with an option to purchase by the United States, used exclusively in its service and displaying a license plate issued by the state.~~

~~((15) "International exempt vehicles" are those owned or leased with an option to purchase by the governments of foreign countries or by international bodies to which the United States government is a signatory by treaty and used exclusively in its or their service:))~~

AMENDATORY SECTION (Amending Order MV-355, filed 5/10/76)

WAC 308-96A-010 CERTIFICATE OF REGISTRATION REQUIRED. ~~((1) The certificate of registration must be signed by the registered owner and carried in the vehicle for which it is issued:))~~ The registration certificate ~~((for a trailer may be carried))~~ and gross weight license must be carried in the vehicle for which it is issued, or in the case of a trailer, either in the towing vehicle or in a ~~((waterproof))~~ container on the trailer. A Washington dealer issued demonstration permit or employee identification card may be used in lieu of a registration certificate for a vehicle that is part of a dealer's inventory. A photocopy of the registration and/or load license certificate may be carried in a rental ~~((or commercial))~~ vehicle in lieu of the registration certificate.

~~((2) The valid certificate of registration or verification thereof for the current year must accompany an application for title except in the case of:~~

~~(a) Repossession;~~

~~(b) Acquisition by process of law;~~

~~(c) Reissue to remove, add or change the name of the secured party;~~

~~(d) Duplicate title application; and~~

~~(e) Title purpose only title.~~

~~(3) The valid gross weight license or photocopy thereof must be carried in the vehicle for which it is issued or, in the case of a trailer, either in the towing vehicle or in a waterproof container on the trailer:))~~

AMENDATORY SECTION (Amending Order MV-328, filed 7/24/75)

WAC 308-96A-015 DUPLICATE CERTIFICATE OF REGISTRATION. If the current year's certificate of registration is lost, stolen, or destroyed, the registered owner must apply at once for a duplicate. The application must be accompanied by:

(1) An affidavit of loss signed by at least one owner of record. Such signature must be either certified by a Washington vehicle/vessel license agent or notarized; and ((by))

(2) A record of the licensing agent's verification ((with either the county which issued the registration or the records section of the department)) of the vehicle record.

AMENDATORY SECTION (Amending Order MV-328, filed 7/24/75)

WAC 308-96A-020 REPLACEMENT PLATES AND VALIDATION TABS. If a current year's license plate or plates and/or validation tab or tabs are lost, stolen, destroyed or mutilated, the registered owner must apply for replacements in accordance with RCW 46.16.270. ~~((The same procedures shall be followed when tabs have been applied to the wrong vehicle plates.))~~ Mutilated plates or tabs or the remaining plate ~~((or tab))~~ of a pair shall be surrendered at the time of application for replacements. When tabs have been affixed to the wrong vehicle, the registered owner must apply for replacements in accordance with RCW 46.16.270.

AMENDATORY SECTION (Amending Order MV-328, filed 7/24/75)

WAC 308-96A-035 MANUAL RENEWAL. (1) ~~((If the prebill is used for a renewal and there are no errors, no separate application need be filled out.))~~ If errors exist on the prebill or if the registered owner wishes to change "class," "tonnage," etc., or if a prebill was not received, application shall be made on a manual form furnished by the department.

(2) ~~((When the last issued certificate of registration without a prebill is used for renewal, application shall be made on a form supplied by the department, and))~~ The applicant ~~((shall))~~ must satisfy the licensing agent as to his/her identity by at least ~~((two))~~ one of the following:

- (a) A valid Washington state driver's license;
- (b) A valid Washington state identicaid;
- (c) A photo identification card;

Or in the event the above are not available, two of the following:

A nationally or regionally known credit card containing the signature ~~((and/or photograph))~~ of the applicant;

~~((d))~~ An identification card issued by the United States, any state, or any agency of either, of a kind commonly used to identify the members or employees of such government agencies (including military ID cards) and which contain the signature ~~((and/or photograph))~~ of the applicant;

~~((e))~~ Any certificate or other document issued by any governmental agency commonly used for the purpose of establishing identities; or
~~((f))~~ Such other documentary evidence as in the opinion of the licensing agency clearly establishes the identity of the applicant.

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

AMENDATORY SECTION (Amending Order MV-355, filed 5/10/76)

WAC 308-96A-040 MONTHLY ABATEMENT OF EXCISE TAX. Vehicles being licensed in Washington ~~((for the first time))~~ and assigned a registration year ~~((with eleven months or less remaining in that registration year))~~ of more than twelve months shall have the annual excise tax ~~((reduced))~~ increased by ~~((1/12))~~ one-twelfth for each full month of the registration year which ~~((has passed by the date when the vehicle is licensed in Washington or granted a Washington dealer temporary permit or a department temporary permit))~~ extends beyond the normal twelve-month registration year. Vehicles assigned a registration year of less than twelve months shall have the annual excise tax decreased by one-twelfth for each full month of the registration year by which the normal twelve-month registration year would exceed the assigned expiration. The normal twelve-month registration period, when first established, will begin with the month in which:

(1) The dealer indicates the vehicle was sold, if the application is made on a Washington dealer temporary permit or on an application for title; or

(2) The vehicle was sold as indicated by the seller's release date on the title or, in lieu thereof, on a bill of sale.

AMENDATORY SECTION (Amending Order MV-355, filed 5/10/76)

WAC 308-96A-050 MEMBERS OF THE ARMED FORCES—EXCISE TAX EXEMPTION FOR NONRESIDENTS. (1) Military personnel stationed in Washington ~~((on extended active duty))~~ may operate their personal vehicles with the current license plates of their "official home of record" or with current Washington plates. Military

personnel are not required to pay Washington excise tax ~~((unless Washington is))~~ if their official home of record ~~((or they have registered to vote in Washington))~~ is not Washington. A properly completed "Nonresident military affidavit" on a form supplied by the department must be submitted with ~~((each))~~ the original application for the excise tax exemption. Each subsequent renewal of license for such a vehicle must be accompanied by proof of the continued nonresident military status, such as, but not limited to, an active military identification card, for the excise tax exemption. Washington residents in the military are not exempt from excise tax.

(2) The spouse of a nonresident military person who is stationed away from his or her home state has the same licensing privilege as a nonresident military person stationed in Washington as long as the vehicle is registered to the military person or to the military person and spouse, regardless of the spouse's employment or residence.

(3) If the nonresident military person sells the vehicle, the new owner ~~((is))~~ does not become liable for the payment of excise tax and license fees ~~((for a new registration year that will begin with the date of delivery of the vehicle to the new owner))~~ until expiration of the current registration.

AMENDATORY SECTION (Amending Order MV-328, filed 7/24/75)

WAC 308-96A-075 ANTIQUE CARS—USE LIMITATIONS. Vehicles with horseless carriage or restored vehicle plates are permitted to operate over and along the public highways of the state of Washington only under the following conditions:

(1) To drive to and from meetings of organizations whose members are owners of vehicles more than thirty years old;

(2) To drive to, from and during organized community events which are featuring horseless carriages or restored vehicles;

(3) To drive for the purpose of testing the vehicle or driving others for pleasure without compensation ~~((—PROVIDED, That no vehicle manufactured after 1931 may be operated more than ten miles from the place where it is stored when being operated pursuant to this subsection)).~~

AMENDATORY SECTION (Amending Order MV-328, filed 7/24/75)

WAC 308-96A-100 LICENSING ACCORDING TO USE INSTEAD OF VEHICLE TYPE. Where a certain type of vehicle is to be used for a purpose other than the normal use for that type of vehicle, the vehicle may be licensed according to that use:

(1) Passenger cars used to transport commodities, merchandise, produce, freight or animals ~~((must))~~ for commercial purposes may be licensed as trucks. Tonnage licenses must be purchased and other required fees paid.

(2) Trucks used as passenger cars may be licensed as passenger cars if the following conditions are met:

(a) ~~((Empty scale weight is less than 5,000 pounds according to the certified weight slip;~~

~~((b))~~ Seats have been permanently installed in or in place of the bed of the truck,

~~((c) Seat belts have been installed in the front seat;~~

~~((d))~~ (b) The vehicle has been inspected and approved for this change of class by an authorized member of the state patrol;

~~((e) The truck schedule is used to determine excise tax, and~~

~~((f) Truck license plates have been surrendered)).~~

(3) Vehicles ~~((classified as trucks by their manufacturers but designed to facilitate passenger use))~~ which are not readily identified as either passenger cars or trucks, such as jeeps, blazers and Broncos, may be licensed either as passenger or ~~((commercial))~~ truck vehicles depending on their use. ~~((The excise tax will be taken from the truck schedule.~~

~~((4) Station wagons may be licensed as passenger cars, trucks, private buses, stages, or for-hire vehicles, depending on use. Excise tax must be taken from the passenger schedules.~~

~~((5) A jeep or similar vehicle may be licensed as a passenger car or a commercial vehicle depending upon its use.))~~

AMENDATORY SECTION (Amending Order MV-328, filed 7/24/75)

WAC 308-96A-105 MOTOR HOMES. (1) A motor home ~~((must))~~ will normally be licensed with passenger plates. Facilities for human habitation referred to in the definition of a motor home shall mean the permanent installation of at least a stove, a bed, or a sink.

The installation must be within an area covered by a waterproof roof and sides, all of which are constructed from rigid material.

(2) When a vehicle is reconstructed or converted to a motor home, the applicant must obtain a state patrol inspection. The inspector will confirm the permanent installation of at least a stove, a bed, or a sink and will confirm the rigid roof and sides. It is not necessary to confirm the permanency of installation of a former slide-in camper. It is the owner's responsibility to ((kept)) keep the camper installed whenever the unit is operated under passenger plates.

~~((3) Vehicles that are not listed in the excise tax schedule must be appraised by a county assessor to establish the basis for determining excise tax.))~~

AMENDATORY SECTION (Amending Order MV-328, filed 7/24/75)

WAC 308-96A-120 CAMPERS. Campers may be licensed separately from ~~((the commercially))~~ licensed trucks which carry them, or the whole unit may be licensed as a motor home with passenger plates, provided that the truck is not used with the camper detached. When the truck and camper are licensed separately, the weight of the camper shall not be included as a part of the gross weight of the vehicle.

AMENDATORY SECTION (Amending Order MV-328, filed 7/24/75)

WAC 308-96A-135 FIXED LOAD VEHICLES. (1) Vehicles designed primarily for highway use with permanently attached structures such as well-drilling machinery, air compressor, rock crusher, conveyor, hoist, wrecker, donkey engine, cook house, tool house, bunk house, specialized underwater exploration support equipment or similar machine or structure may be licensed as fixed load vehicles. ~~((Fixed load vehicles must for excise tax purposes. The county assessor's certificate of appraisal must be attached to the application for license.))~~ If the vehicle carries ~~((weight or commodities))~~ loading in addition to this fixed load, it must be licensed for the total gross weight, ~~((including the weight of the structure))~~ and not as a fixed load.

(2) Owners of vehicles designed primarily for off highway use and taxed as personal property are not required to pay excise taxes but must pay all other applicable fees when applying for a license or permit.

(3) A vehicle carrying a variable load such as a concrete mixer of the "ready mix" type, in which the concrete is mixed while the vehicle is making delivery, may not be licensed as a fixed load.

AMENDATORY SECTION (Amending Order MV-328, filed 7/24/75)

WAC 308-96A-145 CAB AND CHASSIS. A truck may be licensed as a cab and chassis. When the body or special equipment has been installed, the owner must apply for a reissue of title and registration to show the new series and body type. ~~((An inspection slip))~~ Proof of ownership, a new weight slip and additional excise tax covering the additional value of the vehicle must accompany the application.

AMENDATORY SECTION (Amending Order MV-328, filed 7/24/75)

WAC 308-96A-205 INCREASING TONNAGE. (1) A vehicle owner may increase or decrease tonnage for the remainder of the registration year or, if the vehicle is eligible for ~~((quarterly))~~ monthly tonnage, for ~~((one quarter only))~~ any number of consecutive months within the registration year.

(2) An applicant who wishes to increase or decrease the tonnage must surrender the current tonnage license ~~((or duplicate copy thereof))~~ to receive credit.

(3) If the tonnage license has been lost, ~~((an application for a duplicate))~~ the license agent's verification of tonnage and an affidavit of loss must accompany the application for increased tonnage to receive credit. ~~((The application for duplicate license must be filed with the agent who issued the original tonnage license or verified with that agent or the department in Olympia.))~~

(4) Credit ~~((for fees already paid will be based on the fee that has been paid for the original gross weight for the remainder of the year or quarter))~~ is the dollar amount remaining when the value of the expired portion of current tonnage is subtracted from the amount originally paid. This credit amount is then applied toward fees being charged for

tonnage currently being issued. Any unused credit shown on the tonnage license may be applied toward purchase of future tonnage by surrender of the document.

~~((5))~~ ~~((When the owner of an annual license is increasing the tonnage for one quarter only, the original license must still accompany the application. When the quarterly tonnage license expires, the owner may purchase another quarterly tonnage license or a tonnage license for the balance of the year. Any unused credit showing on the quarterly tonnage license will be applied to such license.~~

~~((6))~~ A tonnage license cannot be transferred from one vehicle to another vehicle owned by the same owner in order to place additional tonnage on the second vehicle. An exception is made for a separate trailer tonnage license. The owner may transfer all of the trailer tonnage as an addition to tonnage on a towing unit, but this tonnage cannot then be retransferred to the trailer.

(6) When increasing tonnage, the value of the expired portion of current tonnage will be the value of all months used, not including the current month.

(7) When decreasing tonnage, the value of the expired portion of current tonnage will be the value of all months used including the current month.

AMENDATORY SECTION (Amending Order MV-328, filed 7/24/75)

WAC 308-96A-210 TRANSFER OF TONNAGE LICENSE—NO REFUNDS ~~((OR RETENTION))~~. (1) Tonnage licenses may be transferred from a former owner to a new owner and from a vehicle to a replacement vehicle.

(2) No refunds are given for a tonnage license or any portion of one not transferred.

~~((3) When transferring a tonnage license, the full amount must be used or is deemed to be used. An owner cannot transfer part of a tonnage license and retain the balance for possible future use.))~~

AMENDATORY SECTION (Amending Order MV-328, filed 7/24/75)

WAC 308-96A-220 TRANSFER OF TONNAGE LICENSE—TO REPLACEMENT VEHICLE. (1) The tonnage or capacity license may be transferred to a replacement vehicle using a different fuel or of a different class.

(2) Tonnage may be transferred from one vehicle to two or more vehicles or from two or more vehicles to one vehicle if the latter are in fact obtained to replace the former.

(3) Tonnage may be transferred to a replacement vehicle from a presently licensed, but out-of-commission vehicle belonging to or being purchased by the same registered owner. If the inoperable vehicle without tonnage is returned to service, new tonnage must be purchased.

(4) In order to qualify as a replacement, a vehicle must be:

- (a) A presently unlicensed vehicle belonging to the owner; or
- (b) A vehicle purchased for replacement which has either not been previously licensed or has had its tonnage license retained by its original owner; or
- (c) ~~A vehicle purchased for replacement which has been previously licensed and has had its tonnage license released by its previous owner.~~

~~((5))~~ ~~((The tonnage or capacity license for a vehicle which is sold, destroyed or reclassified so that it no longer requires tonnage may be retained by the owner for transfer to a replacement vehicle obtained during the effective period of the current tonnage license.))~~ A person may transfer tonnage from one vehicle to a replacement which the person owns in circumstances which include, but are not limited to, the following where a vehicle is:

- (a) Sold and the tonnage retained rather than given to the purchaser;
- (b) Destroyed;
- (c) Inoperative;
- (d) Reclassified so tonnage is no longer required;
- (e) Transferred to another state and registered there;
- (f) Involuntarily removed from the person's ownership by repossession, sheriff's sale, court order, chattel lien, landlord lien, abandoned vehicle sale; or
- (g) Stolen.

(6) When transferring tonnage, only the dollar amount previously paid for the gross weight for unexpired months is considered. This dollar amount is then applied as a credit against fees to be charged for the

gross weight license of the vehicle to which the tonnage is being transferred. If the amount due is less than the amount being transferred, the surplus is carried on the tonnage document as a credit due to be applied to a future tonnage purchase.

AMENDATORY SECTION (Amending Order MV-355, filed 5/10/76)

WAC 308-96A-260 STAGGERED LICENSING—ASSIGNMENT OF REGISTRATION YEAR FIRST TIME LICENSED. Vehicles licensed for the first time in this state (~~(after January 1, 1977;)~~) will have (~~(registration years)~~) expiration dates assigned as follows:

(1) Fleet vehicles(~~;~~) and prorated vehicles(~~(vehicles that are eligible for and whose owners desire to purchase quarterly or monthly tonnage including trailers to be towed by such vehicles, and federal and international exempt vehicles)~~) will have a registration year (~~(beginning with January 1 of the year during which the vehicle is first registered and)~~) ending (~~(at midnight of)~~) December 31 (~~(of that same year)~~).

(2) For hire vehicles will have a registration year (~~(beginning with July 1 of the current year and)~~) ending (~~(at midnight of)~~) June 30 (~~(of the next succeeding calendar year)~~).

(3) Snowmobiles will have a registration year (~~(beginning with October 1 and)~~) ending (~~(at midnight)~~) September 30 (~~(of the next succeeding calendar year)~~).

(4) Exempt vehicles (~~(and vehicles issued horseless carriage or restored vehicle plates)~~) are not required to have their licenses renewed so will not have (~~(a registration year)~~) an expiration date assigned, except that exempt vehicles using propane, butane or natural gas will have a June 30 expiration date for special fuel billing purposes. This does not apply to federal exempt (~~(and to international exempt)~~) vehicles.

(5) (~~(The registration year for dealer and manufacturer license plates will be February 1 through January 31.~~)

(6) ~~The registration year for transporter license plates will be January 1 through December 31.~~

(7) All other vehicles, including those issued amateur radio operator plates, personalized plates, and (~~(ATV)~~) ORV use permits will have a registration year beginning at 12:01 a.m. on the first day (~~(that)~~) of the month in which the vehicle is first licensed and ending at 12:01 a.m. on the same date of the next succeeding year (~~(PROVIDED, That)~~), except that if the vehicle has been leased for thirteen months, the first registration year may be for thirteen months, beginning at 12:01 a.m. on the first day of the month in which the vehicle is first licensed and ending at 12:01 a.m. on the first day of the following month of the next succeeding year.

(6) A license purchased on February 29 will have (~~(a renewal)~~) an expiration date of February 28.

(7) In the event that the final day of a registration year falls on a Saturday, Sunday or legal holiday, such period shall extend through the end of the next business day.

AMENDATORY SECTION (Amending Order MV-355, filed 5/10/76)

WAC 308-96A-275 STAGGERED LICENSING—RENEWAL AFTER FIRST BILLING. Regardless of the number of months for which a vehicle is first billed, all subsequent renewals will be for a period of twelve months beginning with the expiration date of the previous license. Providing that those vehicles which, by being added to a fleet, or due to a change in use class, are required to have specific expiration dates, shall have the excise tax, basic fee and tonnage fees charged for anywhere from one to eighteen months as needed to achieve the desired expiration.

AMENDATORY SECTION (Amending Order MV-355, filed 5/10/76)

WAC 308-96A-295 (~~(QUARTERLY TONNAGE)~~) DISPLAY OF TABS. The department shall issue license plates, tabs, or emblems to identify the year of expiration and the month of expiration. They may be displayed as soon as they are purchased. They must be displayed from the day of the expiration of the preceding registration year. If tabs are issued, they shall be displayed on the rear license plate in the following manner:

(1) Motorcycle and camper plates shall (~~(have the tabs displayed)~~) display the year tab in the upper right corner and the month tab directly below the year tab.

(2) Plates with the state identification at the bottom of the plate shall (~~(shall)~~) have the month tab displayed in the lower left corner and the year tab in the lower right corner.

(3) Plates with the state identification at the top of the plate shall have the month tab displayed immediately following the final "N" in Washington. The year tab shall be displayed to the immediate right of the month tab in the upper right corner.

AMENDATORY SECTION (Amending Order MV-355, filed 5/10/76)

WAC 308-96A-300 (~~(QUARTERLY TONNAGE)~~) CHANGING ASSIGNED REGISTRATION YEAR. (1) Whenever a registration year is established for a vehicle, that year will remain with the vehicle regardless of the date on which a renewal application may be made and as long as it is not licensed in another jurisdiction in the interim. (~~(The owner of)~~) A vehicle which remains unlicensed for more than twelve months after the expiration date assigned to the vehicle will have a new registration year assigned dating from the date of the renewal application.

(2) (~~(Notwithstanding any other regulation, beginning July 1, 1977, the department, at its discretion may extend or diminish the registration period for any vehicle if the owner of 5 or more registered vehicles requests that the registration period be the same for all vehicles. PROVIDED, That such extension or diminishment will not contribute to an imbalance of vehicles falling due within a given month.)~~) A vehicle license that has been expired for more than thirty days and is renewed with a different registered owner will have a new registration year assigned to the vehicle dating from the date of the renewal application.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 308-96A-030 ANNUAL LICENSE RENEWAL—RENEWAL BY MAIL.
- WAC 308-96A-055 NONRESIDENT MILITARY TEMPORARY LICENSE.
- WAC 308-96A-060 LICENSE PLATES NOT TRANSFERABLE—EXCEPTIONS.
- WAC 308-96A-115 PERSONAL USE TRAILERS.
- WAC 308-96A-125 "DRIVE YOURSELF" OR "U-DRIVE" VEHICLES.
- WAC 308-96A-130 HEARSES AND AMBULANCES.
- WAC 308-96A-140 SPECIAL CONSTRUCTION EQUIPMENT.
- WAC 308-96A-155 CHANGE OF CLASS.
- WAC 308-96A-160 CHANGE OF CLASS—SALE OF EX-EMPT VEHICLE.
- WAC 308-96A-165 CHANGE OF CLASS—PURCHASE OF PREVIOUSLY NONEXEMPT VEHICLE BY STATE, COUNTY, OR CITY DEPARTMENT.
- WAC 308-96A-170 CHANGE OF CLASS—EXEMPT AGENCIES RETURNING LEASED VEHICLES.
- WAC 308-96A-200 COMPUTING CAPACITY FEE.
- WAC 308-96A-215 TRANSFER OF TONNAGE LICENSE—FROM PERSON TO PERSON.
- WAC 308-96A-225 TRANSFER OF TONNAGE LICENSE—TO A FARMER.
- WAC 308-96A-230 TRANSFER OF TONNAGE LICENSE—FROM A FARMER.
- WAC 308-96A-235 TRANSFER OF TONNAGE LICENSE—INVOLUNTARY TRANSFER.
- WAC 308-96A-240 TRANSFER OF TONNAGE LICENSE—VEHICLE TRANSFERRED TO ANOTHER STATE.
- WAC 308-96A-265 STAGGERED LICENSING—CONVERSION OF VEHICLES CURRENTLY LICENSED.
- WAC 308-96A-270 STAGGERED LICENSING—BILLING FOR OTHER THAN 12 MONTHS.
- WAC 308-96A-280 STAGGERED LICENSING—EXCISE TAX COMPUTATION.
- WAC 308-96A-285 QUARTERLY TONNAGE.
- WAC 308-96A-290 QUARTERLY TONNAGE—REFUNDS EXCESS OF TWELVE MONTHS.

WAC 308-96A-305 QUARTERLY TONNAGE—DESTROYED VEHICLES REBUILT.

WSR 86-03-011
ADOPTED RULES
DEPARTMENT OF LICENSING
 [Order DLR-088—Filed January 6, 1986]

I, Theresa Anna Aragon, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to registered tow truck operators.

This action is taken pursuant to Notice No. WSR 85-20-119 filed with the code reviser on October 2, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 46.55 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 1, 1986.

By Theresa Anna Aragon
 Director

NEW SECTION

✓ WAC 308-61-026 DEFINITIONS CONTINUED – REGISTERED TOW TRUCK OPERATOR. (1) "Affidavit of Sale" – that document prescribed by the department and given to the successful bidder by the operator. The affidavit shall state that the sale was conducted properly pursuant to RCW 46.55. The affidavit may be submitted to the department with an application for certificate of title or may be used as a title document by a licensed auto wrecker, hulk hauler or scrap processor.

(2) "Secure Area" – A place of safety for vehicle storage and in an area completely enclosed by a fence of sufficient height and construction to prevent access by the general public, with a gate which can be locked. The fence shall be at least six feet high with at least two strands of barbed wire along the top, for a total combined height of eight feet or more, provided, however, that the fencing requirement may be waived by the department where, due to the topography or zoning a fence would be impracticable and the storage area is secure without a fence. When a licensee has operator registrations under more than one name and owns or leases a common secure area, the areas for each operator registration must be segregated by a physical barrier at least as strong as one strand of chain, cable or barbed wire. When two or more operators with different ownership share a secured area, those respective areas must be segregated by an eight-foot fence as described above.

Wherever practicable secure storage areas will be located on improved property which is leveled and illuminated at night for the safe keeping of stored vehicles.

(3) "Abandoned Vehicle Report" – is that document, prescribed by the department, by which the operator is to report to the department his/her possession of an abandoned vehicle.

(4) "Notice of Custody and Sale" – is that document sent by the operator to the registered owner, legal owner (lien holder) and to a vehicle purchaser identified on a seller's report of sale, giving notice of the amount of the operator's lien for services, place and time of public auction if the vehicle is not redeemed, and of the operator's right to seek a deficiency against the last registered owner or the purchaser identified on a seller's report of sale.

✓ NEW SECTION

WAC 308-61-105 APPLICATION. The application for registration of a tow truck operator shall include:

(1) A statement as to whether the applicant has previously been registered as such, and if so, the previous registration number and business name.

(2) A current listing of the towing and storage rates of the operator on a form provided by the department.

(3) A certification from the zoning authority of jurisdiction that the licensee is in compliance with any land use ordinances.

✓ NEW SECTION

WAC 308-61-108 GENERAL LICENSING PROVISIONS. (1) Staggered licensing – the annual registration issued to tow truck operators shall expire on the date indicated by the director.

(2) Additional secure areas for vehicle storage – additional storage locations may be operated under one registration. No additional bond or insurance will be required for such premises so long as each is covered by the bond and insurance. Each additional storage location must be operated under the same name as the principle place of business where files are kept and must be within the same county. If an operator locates in another county a separate registration is required.

(3) Change of name and/or address – the department shall be notified immediately, on a form provided by the department, of any change of name and/or address of any business location or of the addition of any location.

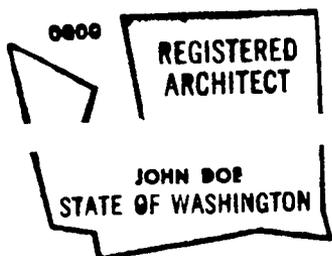
(4) Changes of Ownership – Any change of partners or of corporate officers shall be immediately reported to the department in writing. A complete change in ownership requires a new registration.

(5) An insurer shall notify the department at least 10 days prior to cancellation of a policy.

✓ NEW SECTION

WAC 308-61-115 IDENTIFICATION OF LICENSEE'S VEHICLES. (1) All tow vehicles to be used in the operator's business which are operated on the public highways, shall display the licensee's operator number plus the truck number, name, city of address

and current business telephone number. Such information shall be painted or permanently affixed to both sides of the vehicle. Each letter and numeral shall be made with at least a half-inch stroke for the width and shall be at least three inches high. See sample:



(2) The annual tow truck permit will be a paper cab card identifying the tow truck as well as indicating the class of truck and the registered tow truck operator.

✓ NEW SECTION

WAC 308-61-125 BUSINESS HOURS. (1) Business hours, for purposes of inspection of business records, place of business or towing equipment, shall be 8:00 a.m. to 5:00 p.m. except for weekends and holidays. Normal business hours shall be posted at the operator's place of business.

(2) Whenever an operator is not open for business and does not have personnel present at the licensed location, the operator shall post a phone number at that location for purposes of public contact for release of vehicles and/or personal property. An operator shall maintain personnel who can be contacted 24 hours a day to release impounded vehicles within a 60 minute period of time.

(3) Personal property shall be released without charge between the hours of 8:00 a.m. and 5:00 p.m., excepting weekends and holidays.

✓ NEW SECTION

WAC 308-61-135 GENERAL PROVISIONS. (1) The properly executed written authority to tow or other evidence of lawful possession shall suffice in lieu of current license plates or trip permits for unauthorized or abandoned vehicles.

(2) Billing invoices shall indicate the time of day when an unauthorized or abandoned vehicle arrived at the secure storage area.

(3) A seller's report of sale on a form furnished by the Department shall relieve a registered owner from liability for costs incurred in the removal and storage of an unauthorized/abandoned vehicle, in addition to relieving that person from other liability pursuant to RCW 46.12.101. The buyer shown on a seller's report shall be considered an owner of record for purposes of the deficiency claim in this Chapter.

(4) The immediate notice (within 24 hours) and the notice of custody and sale must be mailed to the buyer shown on the seller's report of sale (filed with the department) in the same manner as notices are sent to other owners of record.

(5) The junk vehicle affidavit of sale as described in (Sec. 23) may be used to sell a vehicle to a licensed hulk hauler, scrap processor, vehicle wrecking yard or it may be used as a supporting document for issuance of a title.

(6) A stored vehicle may be redeemed any time before the start of auctioning of that particular vehicle.

✓ NEW SECTION

WAC 308-61-145 SPECIFICATIONS AND POSTING OF SIGNS. (1) Signs shall measure at least 15" by 24" and the lettering thereon shall be clearly visible to all who park.

(2) Signs for publicly owned or controlled parking facilities need to disclose that unauthorized vehicles will be impounded and must also disclose a phone number for redeeming a vehicle. If a Registered Tow Truck Operator is used, the signs shall meet the same requirements as in the posting of private nonresidential property.

✓ NEW SECTION

WAC 308-61-158 STORAGE OF VEHICLES.

(1) Handling and returning vehicles in substantially the same condition means that vehicles are to be handled with care so that their value is not diminished.

(2) A vehicle being held for storage by agreement or being held under police authority shall not be considered abandoned, nor shall it be processed as such. Any storage fees accrued while under agreement or under police hold shall not be included in the abandoned vehicle lien. Upon the expiration of a storage agreement or upon the lifting of a police hold the operator shall begin the unauthorized abandoned vehicle processing, including the notification to vehicle owners by first class mail within 24 hours.

(3) Vehicles in the custody of an operator shall be kept entirely within a secure area owned or operated under that registration.

(4) An operator shall not charge for relocating vehicles between separate secure storage areas which he/she owns or operates.

✓ NEW SECTION

WAC 308-61-168 DISPUTED IMPOUND. (1) Where a timely request has been made for a district court hearing and where the vehicle owner has failed to redeem the vehicle, the abandoned vehicle procedural requirements may be followed, but the sale of the vehicle at public auction shall not take place until after the court has disposed of the request.

(2) For purposes of RCW 46.55.220, it shall not be necessary to hold a hearing to refuse a license unless such a hearing is requested.

(3) The administrative hearings officer, provided in Sec. 24, shall mean a hearings officer authorized by ordinance or resolution of a city, town or county for the purpose of conducting hearings on disputed vehicle impound cases.

(4) Operators shall maintain a trust account solely for the deposit of funds received pending the disposition of any district court hearing requests.

NEW SECTION

✓ WAC 308-61-175 PROCEDURES FOR SELLING VEHICLES. (1) For purposes of advertising the sale of abandoned vehicles the vehicle identification number shall be used if no license plates are on the vehicle.

(2) A newspaper of general circulation in the county shall mean a newspaper which is one of three with the largest circulation in the county where the sale will be conducted.

(3) If a vehicle in the custody of an operator is not identifiable, including no license plates or registration, the operator shall conduct a thorough examination of the vehicle to determine its make, model, year and vehicle identification number, and to locate information leading to the name of the registered and legal owner and the state in which the vehicle was last registered. The Department may require an inspection by the Washington State Patrol to verify the vehicle identification number of such a vehicle. All such information shall be reported to the Department, which will communicate with such other states as may be necessary to determine whether the registered and legal owner information is available for the vehicle.

After all reasonable efforts to obtain the owner information have proved unsuccessful, the vehicle may be disposed of in accordance with all procedures except that the notification to the registered and legal owners by certified or registered mail may be omitted. A record of all steps taken to locate the owner(s) of the vehicle shall be kept by the operator for a period of three years.

(4) If the operator elects to bid at auction, that bid must be disclosed as such, and may not merely be an effort to set a minimum for other bids. If an operator is the successful bidder and the bid exceeds the lien for towing and storage, the excess funds shall be remitted to the department just as in any other sale. The operator cannot elect to retain a vehicle at auction because the operator feels that the bidding is insufficient.

NEW SECTION

✓ WAC 308-61-185 LIEN PROVISIONS. (1) No operator shall include any charges in the amount of the lien that are not specifically authorized. Subordinate charges such as mechanic fees or prior storage fees claimed by the operator or any third party shall not be allowed. All fees must be included in the towing and storage rates and no fees for other services shall be allowed.

(2) The towing and storage lien shall not apply to personal property not attached to and made an integral part of the vehicle.

NEW SECTION

✓ WAC 308-61-190 AFTER SALE. (1) Following the auction of an abandoned vehicle the operator shall give to the successful bidder an Affidavit of Sale, as defined, which shall disclose the amount of the lien and the amount of the successful bid. The public auction shall terminate the ownership interest of prior owners, both registered owners and legal owners.

(2) The following guidelines shall apply in establishing a valid claim for surplus funds which have been remitted to the state as the result of the auctioning of abandoned vehicles pursuant to Sec 13(g):

(a) The claiming individual shall show reasonable proof of his/her identity and the claim shall be in writing.

(b) The claimant must have been the registered owner of the vehicle as reflected in the records of the Department of Licensing at the time the vehicle was auctioned. The person indicated as purchaser on a seller's report of sale, pursuant to RCW 46.12.101, will be considered the registered owner of record for purposes of this section.

(c) Any person whose claim is denied by the state shall have the opportunity to request a departmental hearing as provided in chapter 34.04 RCW.

✓ AMENDATORY SECTION (Amending Order DOL 683, filed 5/27/82)

WAC 308-61-010 DEFINITIONS—GENERAL.

(1) Department. The department of licensing of the state of Washington.

(2) Director. The director of the department of licensing.

(3) Destroy. To destroy means the dismantling, disassembling or wrecking of a vehicle with the intent of never again operating such as a vehicle, or the sustaining of damage to a vehicle (a) to the extent that the cost of repairing it exceeds its fair market value immediately prior to the accident or occurrence, or (b) to the extent that the cost of repairing it plus its salvage value in its damaged condition exceeds or approximately equals the market value of the vehicle in its repaired or restored condition.

(4) Demolish. To demolish means the rendering of vehicle salvage into recyclable metals, for example, by means of an hydraulic baler and shears or a shredder operated by a licensed scrap processor.

~~((5) Secure area. A secure area is a place of safety for vehicle storage and is an area completely enclosed by fence of sufficient height and construction to prevent access by the general public, with a gate which can be locked. The fence shall be at least six feet high with at least two strands of barbed wire placed along the top, bringing the total combined height to eight feet or more.~~

~~(6) Licensee. A licensee is a person, firm, partnership, association or corporation holding a valid license or registration issued by the department as a registered disposer, wrecker, hulk hauler, or scrap processor.~~

~~(7) Written bid. A written bid means a form approved (supplied) by the department in connection with the sale of abandoned vehicles.~~

~~(8) Impounded and Abandoned Vehicles — For the purpose of this chapter an impounded vehicle shall be a vehicle taken into custody and stored up to 5 days at the direction of an enforcement officer pursuant to RCW 46.61.565 or 46.52.180. After the 5th day if a vehicle has not been reclaimed by the owner, a registered disposer may declare a vehicle abandoned and proceed as provided by RCW 46.52.114.)~~

~~((9))~~ (5) Acquire – shall be construed to mean physical custody together with proof of ownership as provided under WAC 308-61-230.

~~((10))~~ (6) Custody – shall mean the possession of a vehicle in which there is equitable ownership but for which ownership documents required in WAC 308-61-230 have not been received, or a vehicle placed for safe-keeping by a law enforcement officer or others.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 554-DOL, filed 9/7/79)

WAC 308-61-025 ~~DEFINITIONS~~~~(=REPORTS, DOCUMENTS)~~. (1) ~~Seller's report of sale. A seller's report of sale on a form furnished by the department will relieve a registered owner from personal liability for costs incurred in the removal, storage or disposal of an abandoned vehicle as provided in RCW 46.52.106 and 46.52.112 if submitted to the department within five days of sale. The seller's report of sale need not be filed if the vehicle has been sold or traded to a licensed dealer. This definition does not apply to the sale of a vehicle by a dealer or to the public sale of an abandoned vehicle hulk.~~

~~(2) Abandoned vehicle report. (a) An abandoned vehicle report shall be submitted to the department on the forms provided by any registered disposer taking custody of an abandoned vehicle or hulk.~~

~~(b) The current registered and legal owner information shall be supplied by the department of licensing and the disposer shall send a Notice of Custody and Sale to the latest reported registered and legal owner providing the disposer has not previously notified the registered and legal owner.~~

~~(3) Notice of custody and sale. A notice of custody and sale is that document sent by the registered disposer to the registered owner and legal owner giving legal notice of amount of the registered disposer's or garage keeper's lien for services, when due, place and time of public sale if not paid and right to seek judgment for deficiency against the registered owner for a maximum of two hundred dollars minus the sale price of the vehicle.~~

~~(4) Affidavit of sale. An affidavit of sale is that document given to the successful bidder by the registered disposer or garage keeper. The registered disposer or garage keeper shall state in such affidavit of sale that the sale was conducted under proper procedures and shall indicate the disposition of monies derived from such sale. The affidavit may be submitted to the department with an application for certificate of title or may be used by a licensed auto wrecker, hulk hauler or scrap processor in lieu of certificate of title to report the acquisition for destruction or demolition.~~

~~(5) Report of disposition of abandoned vehicle. A report of disposition of abandoned vehicle is that document sent to the Washington state patrol, on the form provided, by the registered disposer showing the disposition of the vehicle previously reported to the department on the Abandoned Vehicle Report form provided.)~~

~~(1)((6)) Release of interest. A release of interest is that notarized document, signed by the owner in accordance with the rules pertaining to vehicle titles on a form provided by the department, by which the owner may relinquish interest in a vehicle if the certificate of title is not available for his signature.~~

~~(2)((7)) Bill of sale. A bill of sale shall include the names and addresses of the seller and purchaser; a description of the vehicle or part being sold, including the make, model and identification or serial number; the date of sale; and the purchase price of the vehicle or part. A private party sale shall include the notarized signature of the seller. Bills of sale are acceptable in lieu of title in the case of vehicles from nontitle states or when an insurance company or private owner has turned in the title to a vehicle previously destroyed as provided under WAC 308-58-030.~~

~~((8) Abandoned vehicle bid form. An abandoned vehicle bid form is that form provided by the department for the purpose of recording the second and third highest bids at the sale of abandoned vehicles.)~~

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order DOL 683, filed 5/27/82)

WAC 308-61-030 ~~ESTABLISHED PLACE OF BUSINESS~~~~(=BUSINESS HOURS)~~. An established place of business at the location shown on the original application or change of address notice shall be maintained by each licensee in accordance with the following requirements:

~~((1)) Registered disposer. A registered disposer's established place of business is a building or separate part thereof for keeping records and a secure area used only by the licensee for storing vehicles where the registered disposer is available for the purpose of allowing owners to claim vehicles at least five days a week during posted periods of at least four hours duration between 8 a.m. and 8 p.m. Each place of business shall be capable of operation separately from any other business.)~~

~~(1)((2)) Wrecker. A wrecker's established place of business is a building or enclosure which the owner occupies either continuously or at regular intervals and where his books and records are kept available for inspection during normal business hours and destroying of vehicles is accomplished and which must conform with local zoning regulations.~~

~~(2)((3)) Hulk hauler. A hulk hauler's established place of business is an address at which he receives mail and can normally be reached.~~

~~(3)((4)) Scrap processor. A scrap processor's established place of business is a place where (a) vehicles may~~

be stored lawfully, (b) hydraulic balers, shears or shredders for recycling salvage may be used lawfully, and (c) there is a building in which the scrap processor's license is conspicuously displayed and where all records required of the scrap processor are available for inspection.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 554-DOL, filed 9/7/79)

✓ WAC 308-61-040 DOCUMENTS SUPPORTING ACQUISITION OF VEHICLES. Any licensee may acquire vehicles for hauling, destruction or demolition if the transferor can furnish proof of ownership, in the form of a certificate of title properly endorsed, from a state issuing a title, or a certificate of registration and notarized bill of sale from a state issuing a registration certificate only. If such evidence of ownership is not available, the following documents may serve to support acquisition or possession when used by an appropriate licensee:

(1) Affidavit of lost or stolen title. When a title is lost or stolen, an affidavit of lost or stolen title executed by the registered or legal owner of record and a release of interest describing the vehicle in full, both of which shall be notarized, will be acceptable in lieu of title.

(2) Insurance bills of sale. When a vehicle is purchased from an insurance company which has surrendered title to the department, a bill of sale from the insurer will be acceptable in lieu of title.

~~((3) Authorization to dispose. Upon request from a private person having the right to possession to property upon which an abandoned junk motor vehicle has been left, or from a governmental unit possessing jurisdiction over public property, a written authorization to dispose of such vehicles will be acceptable in lieu of title. Such authorizations may only be issued by law enforcement officers having jurisdiction or authorized representatives of the department, on forms provided for this purpose, after a determination that the vehicle qualifies as an abandoned junk motor vehicle. The ultimate disposition of such vehicles shall be through a scrap processor or vehicle wrecker.~~

(4) Affidavit of sale. When an abandoned vehicle is acquired at public sale, an affidavit of sale on the form provided by the department and completed by the registered disposer taking custody of and selling or retaining the vehicle, will be acceptable in lieu of title.)

(3)((5)) Invoice or bill of sale from wrecker. When vehicles are purchased from a wrecker licensed by the department, which have been properly reported, an invoice or bill of sale from said wrecker listing each vehicle by "yard number" will be acceptable in lieu of title.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 554-DOL, filed 9/7/79)

✓ WAC 308-61-050 GROUNDS FOR DENIAL, SUSPENSION, REVOCATION AND, IN THE CASE OF A REGISTERED TOW TRUCK OPERATOR, ALSO A CIVIL FINE—UNLAWFUL PRACTICES. The director may, by order, deny an application for license under Chapters ~~((46.52,))~~ Operator chapter, 46.79, and 46.80 RCW, or suspend or revoke and, in the case of a registered tow truck operator, also assess a civil fine against any ((license)) licensee if he/she finds that the order is in the public interest and that the applicant, licensee or any partner, officer, director or majority stockholder has failed to comply with any of the provisions of the above-named chapters or the rules and regulations adopted thereunder, or other provisions of Title 46 RCW, or the rules and regulations adopted thereunder relating to the registration, titling, acquisition, handling or disposition of vehicles. In addition, a license may be denied, suspended or revoked if the director has reason to believe that the applicant or licensee or any of the above-named persons has:

(1) been the holder of a certificate of registration issued under the law which was revoked for cause, or suspended and the terms of the suspension have not been terminated;

(2) made a false statement of material fact in his/her application or any supporting documents attached to the application, ~~((or))~~ or in any matter under investigation by the department;

(3) charged towing and storage fees in excess of those posted at a registered tow truck operator's place of business and those filed with the department.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

REPEALER

The following sections of the Washington Administrative Code are each repealed:

- ✓ WAC 308-61-027 Normal or regular business hours.
- ✓ WAC 308-61-100 Registered Disposers—Application.
- ✓ WAC 308-61-110 Registered Disposers—General procedures and requirements.
- ✓ WAC 308-61-120 Registered Disposers—Procedures for taking custody.
- ✓ WAC 308-61-130 Registered Disposers—Procedures for sale.
- ✓ WAC 308-61-140 Registered Disposers—Procedures after sale.
- ✓ WAC 308-61-150 Registered Disposers—Grounds for denial suspension, revocation—Unlawful Practices.
- ✓ WAC 308-61-155 Law enforcement procedures for impounding.
- ✓ WAC 308-61-160 Law enforcement notification stickers.
- ✓ WAC 308-61-165 Placing vehicles in custody.

- ✓ WAC 308-61-170 Vehicles impounded or taken into custody.
 ✓ WAC 308-61-180 Hearing requests.

WSR 86-03-012
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Filed January 6, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Utilities and Transportation Commission intends to adopt, amend, or repeal rules relating to interest on deposits held by electric companies, WAC 480-100-051. The proposed amendatory section is shown below as Appendix A, Cause No. U-85-81. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed amendment on economic values, pursuant to chapter 43.21H RCW and WAC 480-08-050(17);

that the agency will at 9:00 a.m., Wednesday, March 12, 1986, in the Commission's Hearing Room, Second Floor, 1300 Evergreen Park Drive South, Olympia, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 80.01.040 and 80.04.160.

The specific statute these rules are intended to implement is RCW 80.04.040(3).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 7, 1986.

Dated: January 6, 1986

By: Paul Curl
Acting Secretary

STATEMENT OF PURPOSE

In the matter of amending WAC 480-100-051 relating to interest on deposits held by electric companies.

The rules proposed by the Washington Utilities and Transportation Commission are to be promulgated pursuant to RCW 80.01.040(4) and 80.04.160 which direct that the commission has authority to implement the provisions of chapter 80.28 RCW.

The rules proposed by the Washington Utilities and Transportation Commission are designed to prescribe the interest rates on amounts received by electric companies for refundable deposits.

Paul Curl, Acting Secretary, Seventh Floor, Highways-Licenses Building, Olympia, Washington, telephone number (206) 753-6420, and members of his staff were responsible for the drafting of the proposed rules and will be responsible for implementation and enforcement of the proposed rules.

The proponent of the rules is the Washington Utilities and Transportation Commission.

There are no comments or recommendations being submitted inasmuch as the proposal is pursuant to legislative authorization reflected in RCW 80.01.040 and 80.04.160.

The rule change is not necessary as the result of federal law, or federal or state court action.

The rule change proposed will affect no economic values.

This certifies that copies of this statement are on file with the commission, are available for public inspection, and that three copies of this statement are this date being forwarded to the Joint Administrative Rules Review Committee.

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-84, filed 6/30/76)

WAC 480-100-051 DEPOSITS. (1) Establishment of credit. An applicant for residential service may establish credit by demonstrating to the utility any one of the following factors:

(a) Prior service with the utility in question during the next previous 12 months for at least six consecutive months during which service was rendered and was not disconnected for failure to pay, and no more than one delinquency notice was served upon the customer.

(b) Prior service with a utility of the same type as that of which service is sought with a satisfactory payment record as demonstrated in (a) above, provided that the reference may be quickly and easily checked, and the necessary information is provided.

(c) Full-time consecutive employment during the entire 12 months next previous to the application for service, with no more than two employers, and the applicant is currently employed or has a regular source of income.

(d) Ownership of a significant legal interest in the premises to be served.

(e) Furnishing of a satisfactory guarantor to secure payment of bills for service requested in a specified amount not to exceed the amount of cash deposit which may be required.

(f) Demonstration that applicant is a satisfactory risk by appropriate means including, but not limited to, the production in person at a listed business office of two major credit cards, or other credit references, which may be quickly and easily checked by the utility.

(2) Establishment of credit — nonresidential. An applicant for non-residential service may be required to demonstrate that it is a satisfactory credit risk by reasonable means appropriate under the circumstances.

(3) Deposit requirements. A deposit may be required under the following circumstances:

(a) Where the applicant has failed to establish a satisfactory credit history as outlined above.

(b) In any event, a deposit may be required when, within the 12 months prior to the application, the applicant's service of a similar type has been disconnected for failure to pay amounts owing, when due; where there is an unpaid, overdue balance owing for similar service from the utility to which application is being made or from any other electric or gas company; or where two or more delinquency notices have been served upon the applicant by any other electric or gas company during the 12 months previous to the application for service.

(c) Initiation or continuation of service to a residence where a prior customer still resides and where any balance for such service to that prior customer is past due or owing.

(4) Amount of deposit. In instances where a deposit may be required by the utility, the deposit shall not exceed two-twelfths of estimated annual billings for utilities billing monthly and three-twelfths of estimated annual billings for utilities billing bimonthly.

(5) Transfer of deposit. Where a customer of whom a deposit is required transfers his service to a new location within the same utility's service area, the deposit, less any outstanding balance, shall be transferable and applicable to the new service location.

(6) Interest on deposits. Interest on deposits held shall be accrued at ~~((the rate established according to law as interest upon judgments in superior courts of the state of Washington as of January 1 of each year. Interest shall be computed from the time of deposit to the time of termination of service))~~ a rate based upon a simple average of the effective interest rate for new issues of one year treasury bills, computed

from December 1 of each year, continuing through November 30 of the following year. Deposits would earn that interest rate during January 1 through December 31 of the subsequent year. Interest shall be computed from the time of the deposit to the time of refund or total application of the deposit and shall be compounded annually.

(7) Extended payment of deposits. Where a customer or applicant for service of whom a deposit is required is unable to pay the entire amount of the deposit in advance of connection or continuation of service, the customer or applicant shall be allowed to pay 50 percent of the deposit amount prior to service, with the remaining amount payable in equal amounts on the utility's ordinary billing cycle during the first two months of service. A customer or applicant who is unable to meet this deposit requirement shall have the opportunity to receive service under subsection (8), alternative to deposit, next below.

(8) Alternative to deposit. A customer or applicant for service of whom a deposit is required, but who is unable to make a deposit, shall be allowed, as an alternative to the making of a deposit, to prepay any installation charges and reasonably estimated regular service charges or budget billings at periods corresponding to the utility's regular billing period for the length of time during which a deposit would ordinarily have been required. The customer shall then be billed in a normal fashion.

(9) When payment is made by cash, a receipt shall be furnished to each applicant or customer for the amount deposited.

(10) Refund of deposits. Deposits plus accrued interest shall be refunded under the following circumstances and in the following form:

(a) Satisfactory payment. Where the customer has for 12 consecutive months paid for service when due in a prompt and satisfactory manner as evidenced by the following:

(i) The utility has not initiated disconnection proceedings against the customer.

(ii) No more than two notices of delinquency have been made to the customer by the utility.

(b) Termination of service. Upon termination of service, the utility shall return to the customer the amount then on deposit plus accrued interest, less any amounts due the utility by the customer for service rendered.

(c) Refunds - how made. Any deposit, plus accrued interest, shall be refunded to the customer either in the form of a check issued and mailed to the customer no longer than 15 days following completion of 12 months' satisfactory payment as described above, or applied to the customer's bill for service in the 13th and, if appropriate, subsequent months, in accordance with the preference as to form of refund indicated by the customer at the time of deposit, or as thereafter modified.

(11) Nothing in this rule shall prevent the requirement of a larger deposit or a new deposit when conditions warrant. Should a larger or new deposit be required, the reasons therefor shall be specified in writing to the customer. Any requirement for a new or larger deposit shall be in conformity with the standards set forth in this rule.

WSR 86-03-013

PROPOSED RULES

UTILITIES AND TRANSPORTATION COMMISSION

[Filed January 6, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Utilities and Transportation Commission intends to adopt, amend, or repeal rules relating to interest on deposits held by gas companies, WAC 480-90-051. The proposed amendatory section is shown below as Appendix A, Cause No. U-85-80. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed amendment on economic values, pursuant to chapter 43.21H RCW and WAC 480-08-050(17);

that the agency will at 9:00 a.m., Wednesday, March 12, 1986, in the Commission's Hearing Room, Second

Floor, 1300 Evergreen Park Drive South, Olympia, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 80.01.040 and 80.04.160.

The specific statute these rules are intended to implement is RCW 80.04.040(3).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 7, 1986.

Dated: January 6, 1986

By: Paul Curl
Acting Secretary

STATEMENT OF PURPOSE

In the matter of amending WAC 480-90-051 relating to interest on deposits held by gas companies.

The rules proposed by the Washington Utilities and Transportation Commission are to be promulgated pursuant to RCW 80.01.040(4) and 80.04.160 which direct that the commission has authority to implement the provisions of chapter 80.28 RCW.

The rules proposed by the Washington Utilities and Transportation Commission are designed to prescribe the interest rates on amounts received by gas companies for refundable deposits.

Paul Curl, Acting Secretary, Seventh Floor, Highways-Licenses Building, Olympia, Washington, telephone number (206) 753-6420, and members of his staff were responsible for the drafting of the proposed rules and will be responsible for implementation and enforcement of the proposed rules.

The proponent of the rules is the Washington Utilities and Transportation Commission.

There are no comments or recommendations being submitted inasmuch as the proposal is pursuant to legislative authorization reflected in RCW 80.01.040 and 80.04.160.

The rule change is not necessary as the result of federal law, or federal or state court action.

The rule change proposed will affect no economic values.

This certifies that copies of this statement are on file with the commission, are available for public inspection, and that three copies of this statement are this date being forwarded to the Joint Administrative Rules Review Committee.

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-83, filed 6/30/76)

WAC 480-90-051 DEPOSITS. (1) Establishment of credit. An applicant for residential service may establish credit by demonstrating to the utility any one of the following factors:

(a) Prior service with the utility in question during the next previous 12 months for at least six consecutive months during which service was rendered and was not disconnected for failure to pay, and no more than one delinquency notice was served upon the customer.

(b) Prior service with a utility of the same type as that of which service is sought with a satisfactory payment record as demonstrated in (a) above, provided that the reference may be quickly and easily checked, and the necessary information is provided.

(c) Full-time consecutive employment during the entire 12 months next previous to the application for service, with no more than two

employers, and the applicant is currently employed or has a regular source of income.

(d) Ownership of a significant legal interest in the premises to be served.

(e) Furnishing of a satisfactory guarantor to secure payment of bills for service requested in a specified amount not to exceed the amount of cash deposit which may be required.

(f) Demonstration that applicant is a satisfactory risk by appropriate means including, but not limited to, the production in person at a listed business office of two major credit cards, or other credit references, which may be quickly and easily checked by the utility.

(2) Establishment of credit — nonresidential. An applicant for non-residential service may be required to demonstrate that it is a satisfactory credit risk by reasonable means appropriate under the circumstances.

(3) Deposit requirements. A deposit may be required under the following circumstances:

(a) Where the applicant has failed to establish a satisfactory credit history as outlined above.

(b) In any event, a deposit may be required when, within the 12 months prior to the application, the applicant's service of a similar type has been disconnected for failure to pay amounts owing, when due; where there is an unpaid, overdue balance owing for similar service from the utility to which application is being made or from any other gas or electric company; or where two or more delinquency notices have been served upon the applicant by any other gas or electric company during the 12 months previous to the application for service.

(c) Initiation or continuation of service to a residence where a prior customer still resides and where any balance for such service to that prior customer is past due or owing.

(4) Amount of deposit. In instances where a deposit may be required by the utility, the deposit shall not exceed two-twelfths of estimated annual billings for utilities billing monthly and three-twelfths of estimated annual billings for utilities billing bimonthly.

(5) Transfer of deposit. Where a customer of whom a deposit is required transfers his service to a new location within the same utility's service area, the deposit, less any outstanding balance, shall be transferable and applicable to the new service location.

(6) Interest on deposits. Interest on deposits held shall be accrued at ~~((the rate established according to law as interest upon judgments in superior courts of the state of Washington as of January 1 of each year. Interest shall be computed from the time of deposit to the time of termination of service))~~ a rate based upon a simple average of the effective interest rate for new issues of one year treasury bills, computed from December 1 of each year, continuing through November 30 of the following year. Deposits would earn that interest rate during January 1 through December 31 of the subsequent year. Interest shall be computed from the time of the deposit to the time of refund or total application of the deposit and shall be compounded annually.

(7) Extended payment of deposits. Where a customer or applicant for service of whom a deposit is required is unable to pay the entire amount of the deposit in advance of connection or continuation of service, the customer or applicant shall be allowed to pay 50 percent of the deposit amount prior to service, with the remaining amount payable in equal amounts on the utility's ordinary billing cycle during the first two months of service. A customer or applicant who is unable to meet this deposit requirement shall have the opportunity to receive service under subsection (8), alternative to deposit, next below.

(8) Alternative to deposit. A customer or applicant for service of whom a deposit is required, but who is unable to make a deposit, shall be allowed, as an alternative to the making of a deposit, to prepay any installation charges and reasonably estimated regular service charges or budget billings at periods corresponding to the utility's regular billing period for the length of time during which a deposit would ordinarily have been required. The customer shall then be billed in a normal fashion.

(9) When payment is made by cash, a receipt shall be furnished to each applicant or customer for the amount deposited.

(10) Refund of deposits. Deposits plus accrued interest shall be refunded under the following circumstances and in the following form:

(a) Satisfactory payment. Where the customer has for 12 consecutive months paid for service when due in a prompt and satisfactory manner as evidenced by the following:

(i) The utility has not initiated disconnection proceedings against the customer.

(ii) No more than two notices of delinquency have been made to the customer by the utility.

(b) Termination of service. Upon termination of service, the utility shall return to the customer the amount then on deposit plus accrued interest, less any amounts due the utility by the customer for service rendered.

(c) Refunds — how made. Any deposit, plus accrued interest, shall be refunded to the customer either in the form of a check issued and mailed to the customer no longer than 15 days following completion of 12 months' satisfactory payment as described above, or applied to the customer's bill for service in the 13th and, if appropriate, subsequent months, in accordance with the preference as to form of refund indicated by the customer at the time of deposit or as thereafter modified.

(11) Nothing in this rule shall prevent the requirement of a larger deposit or a new deposit when conditions warrant. Should a larger or new deposit be required, the reasons therefor shall be specified in writing to the customer. Any requirement for a new or larger deposit shall be in conformity with the standards set forth in this rule.

WSR 86-03-014

NOTICE OF PUBLIC MEETINGS CONVENTION AND TRADE CENTER

[Memorandum—January 2, 1986]

1986 REGULAR MEETING SCHEDULE WASHINGTON STATE CONVENTION AND TRADE CENTER BOARD OF DIRECTORS

January 27, 1986
10 a.m.

March 20, 1986
May 15, 1986
July 17, 1986
September 18, 1986
November 20, 1986
December 18, 1986

ADOPTED DECEMBER 19, 1985
REGULAR MEETING TIME WILL BE 3 P.M.
AND
LOCATION WILL BE WSCTC BOARDROOM
720 OLIVE WAY, SUITE 1520, SEATTLE
UNLESS OTHERWISE NOTED

FOR ADDITIONAL INFORMATION
CALL PEGGY FLYNN, 464-5305

WSR 86-03-015

NOTICE OF PUBLIC MEETINGS WASHINGTON STATE LIBRARY

[Memorandum—January 3, 1986]

The following are the 1986 meeting dates of the Washington State Library Commission and the Western Library Network:

Washington State Library Commission

March 13, 1986
June 12, 1986
September 11, 1986
December 4, 1986

Western Library Network

March 12, 1986
June 10, 1986
September 9, 1986
December 2, 1986

WSR 86-03-016
ADOPTED RULES
DEPARTMENT OF REVENUE
 [Order ET 86-1—Filed January 7, 1986]

I, Matthew J. Coyle, acting director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

- Amd WAC 458-20-107 Selling price, gross proceeds of sales, trade-ins, warranties.
 Amd WAC 458-20-119 Sales of meals.

This action is taken pursuant to Notice No. WSR 85-23-073 filed with the code reviser on November 20, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Revenue as authorized in RCW 82.32.300.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 7, 1986.

By Matthew J. Coyle
 Acting Director

AMENDATORY SECTION (Amending Order ET 83-17, filed 3/15/83)

✓ WAC 458-20-107 ((SELLING PRICE, GROSS PROCEEDS OF SALES, TRADE-INS, WARRANTIES)) ADVERTISED PRICES INCLUDING SALES TAX—WARRANTIES, MAINTENANCE AGREEMENTS, SERVICE CONTRACTS. ((^aThe term 'selling price' means the consideration, whether money, credits, rights, or other property, expressed in the terms of money, paid or delivered by a buyer to a seller, all without any deduction, on account of the cost of tangible property sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes or any other expenses whatsoever paid or accrued and without any deduction on account of losses." (RCW 82.08.010.)

^aThe term 'gross proceeds of sales' means the value proceeding or accruing from the sale of tangible personal property . . . without any deduction on account of the cost of property sold, the cost of materials used, labor costs, interest, discount paid, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses." (RCW 82.04.070.)

When tangible personal property is rented or leased, the "selling price" includes all charges to the renter or lessee for the use of the property rented or leased, including charges designated as insurance, interest and other costs recovered stated separately from the regular rental fee. When tangible personal property is rented or leased under circumstances that the consideration paid does not represent a reasonable rental for the use of the articles so rented or leased, the "selling price" must be determined as nearly as possible according to the value of such use at the places of use of similar products of

like quality and character. In cases of doubt, all of the pertinent facts should be submitted to the department of revenue for an advisory determination.

The terms "selling price" and "gross proceeds of sales" include items of cost which are the direct obligation of the seller but which he may invoice separately to his customer. Examples of such costs are the cost of the contractor's performance bond, the cost of city or state business and occupation taxes or public utility taxes, the cost of insurance protecting the seller and the cost of freight in. The selling price can be payable in money or otherwise. If it is payable in whole or in part in property, each party is a seller of the property he is to transfer.

TRADE-INS. The selling price or gross proceeds of sales includes the full consideration whether in money or property or both expressed in terms of money. If traded-in property is subsequently resold at retail, the retail sales tax must be collected on the selling price thereof and the amount of such selling price must be reported by the seller as gross proceeds of sales.

To illustrate: An automobile is sold at retail for \$1,000.00. The purchaser pays \$600.00 in cash and is allowed \$400.00 as the trade-in value of a used automobile. The selling price, upon which the sales tax must be collected and the amount to be reported as gross proceeds of sales, is \$1,000.00. If the automobile traded in is later sold for \$500.00 the sales tax must be collected on such selling price, and the amount of such selling price must be reported as gross proceeds of sales.

In some industries it is customary to quote the purchaser an "exchange" price, i.e., a reduced price quoted in the expectation that the purchaser will trade in, or "exchange" a used article of the same type. In such case the selling price is the exchange price plus the value of the article exchanged.

WARRANTY OR SERVICE CONTRACTS. When a warranty or service contract is sold along with a sale of tangible personal property the entire charge is taxable as gross proceeds from the sale of tangible personal property. However, the sale of a warranty or service contract by itself is a transaction subject to business tax under the service classification upon gross income therefrom. A person performing repair work pursuant to a warranty or service contract is taxable as a retailer or wholesaler upon amounts received for performance of such work, including amounts received from another who may have sold the warranty or service contract and amounts received from the owner of the property. If the repairman himself issued the warranty or service contract, he is taxable as a retailer or wholesaler upon any additional amounts received at the time repair work is done. The sale of a maintenance contract which calls for regular or periodic maintenance, repair, or adjustment of tangible personal property is taxable as a retail or wholesale sale, as the case may be.)) Under the provisions of RCW 82.08.020 the retail sales tax is to be collected and paid upon retail sales, measured by the "selling price."

The term "Selling price" means the consideration, whether money, credits, rights, or other property except trade-in property of like kind, expressed in the terms of money paid or delivered by a buyer to a seller without

any deduction on account of the cost of tangible property sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes other than taxes imposed under this chapter if the seller advertises the price as including the tax or that the seller is paying the tax, or any other expenses whatsoever paid or accrued and without any deduction on account of losses; . . ." (See RCW 82.08.010(1)).

Concerning the tax liabilities and benefits in connection with "trade-in" transactions, see WAC 458-20-247.

RCW 82.08.050 specifically requires that the retail sales tax must be stated separately from the selling price on any sales invoice or other instrument of sale, i.e., contracts, sales slips, and customer billing receipts. (For an exception covering restaurant receipts of Class H liquor licensees, see WAC 458-20-119.) This is required even though the seller and buyer may know and agree that the price quoted is to include state and local taxes, including the retail sales tax. The law creates a "conclusive presumption" that, for purposes of collecting the tax and remitting it to the state, the selling price quoted does not include the retail sales tax. This presumption is not overcome or rebutted by any written or oral agreement between seller and buyer. However, selling prices may be advertised as including the tax or that the seller is paying the tax and, in such cases, the advertised price shall not be considered to be the taxable selling price under certain prescribed conditions explained in this rule. Even when prices are advertised as including the sales tax, the actual sales invoices, receipts, contracts, or billing documents must list the retail sales tax as a separate charge. Failure to comply with this requirement may result in the retail sales tax due and payable to the state being computed on the gross amount charged even if it is claimed to already include all taxes due.

ADVERTISING PRICES INCLUDING TAX

The law provides that a seller may advertise prices as including the sales tax or that the seller is paying the sales tax under the following conditions:

(1) The words "tax included" are stated immediately following the advertised price in print size at least half as large as the advertised price print size, unless the advertised price is one in a listed series;

(2) When advertised prices are listed in series, the words "tax included in all prices" are placed conspicuously at the head of the list in the same print size as the list;

(3) If the price is advertised as including tax, the price listed on any price tag shall be shown in the same way; and

(4) All advertised prices and the words "tax included" are stated in the same medium, whether oral or visual, and if oral, in substantially the same inflection and volume.

If these conditions are satisfied, as applicable, then price lists, reader boards, menus, and other price information mediums need not reflect the item price and separately show the actual amount of sales tax being collected on any or all items.

The scope and intent of the foregoing is that buyers have the right to know whether retail sales tax is being included in advertised prices or not and that the tax is not to be used for the competitive advantage or disadvantage of retail sellers.

WARRANTIES, MAINTENANCE AGREEMENTS, AND SERVICE CONTRACTS

For purposes of this rule, the following definitions apply:

Warranties, sometimes referred to as guarantees, are agreements which call for the replacement or repair of tangible personal property with no additional charge for parts or labor, or both, based upon the happening of some unforeseen occurrence, e.g., the property breaks down.

Maintenance agreements, sometimes referred to as service contracts, are agreements which require the specific performance of repairing, cleaning, altering, or improving of tangible personal property on a regular or periodic basis to ensure its continued satisfactory operation.

Manufacturer's warranties are generally included within the retail selling price of the property and no additional charge is made. However, when any additional charge is made for any warranty protecting tangible personal property sold, additional tax liability is incurred depending on how the warranty is sold. If it is sold by the retail seller of the property protected by the warranty and concomitant with the sale of that property, the entire charge, including the charge for the warranty, is subject to retailing business tax and retail sales tax. This is so even though the warranty charge may be separately billed or separately itemized on any billing. Such warranty sales are deemed to be "for labor and services rendered in respect to . . . installing, repairing, cleaning, altering, imprinting, or improving tangible personal property of or for consumers . . ." and therefor they are "retail sales" under RCW 82.04.050.

Warranties which are sold by any person who was not the seller of the property protected by the warranty or which are purchased subsequent to and distinct from the original warranty purchased concomitant with the property, are deemed to be services rather than retail sales. Charges for such warranties are subject to the service business tax and are not subject to retail sales tax.

MAINTENANCE AGREEMENTS

Maintenance agreements and service contracts require the periodic specific performance of inspecting, cleaning, physical servicing, altering, and/or improving of tangible personal property. Therefor, charges for contracts or agreements of this nature are retail sales, subject to retailing business tax and retail sales tax under all circumstances.

In the cases of both warranties and maintenance agreements, any actual additional charge made to the consumer because of the providing of materials or the performance of actual labor pursuant to such agreements is separately taxable under the retailing business

tax and retail sales tax. This includes so-called "deductible" amounts not covered by the warranty or service agreement.

Moreover, if an agreement contains warranty provisions but also requires the actual specific performance of inspection, cleaning, servicing, altering, or improving the property on a regular or periodic basis, without regard to the operating condition of the property, such agreements are fully taxed as service agreements, not warranties.

AMENDATORY SECTION (Amending Order ET 82-7, filed 7/30/82)

✓ **WAC 458-20-119 SALES OF MEALS.**

BUSINESS AND OCCUPATION TAX

All persons making sales of meals, upon which the retail sales tax applies under the provisions set forth in this ruling, are required to pay the business and occupation tax under the retailing classification upon the gross proceeds derived from such sales.

RETAIL SALES TAX

RESTAURANTS AND OTHER EATING PLACES. Sales of meals by hotels, restaurants, cafeterias, clubs, boarding houses and other eating places are subject to the retail sales tax. Sales to such eating places of food and beverage products for use in preparing meals are sales for resale and are not subject to the tax.

In the case of boarding houses and American plan hotels the price of meals must be segregated from the charges made for rooms on bills rendered guests and on the books of the taxpayer. (See WAC 458-20-124—Restaurants, etc.)

RAILROAD, PULLMAN CAR, STEAMSHIP, AIRPLANE, OR OTHER TRANSPORTATION COMPANY DINERS. Sales of meals by railroad, Pullman car, steamship, airplane, or other transportation companies served at fixed locations in this state, or served upon the carrier itself while within this state, are subject to the retail sales tax.

Where no specific charge is made for meals separate and apart from the transportation charge, the entire amount so charged is deemed a charge for transportation and the retail sales tax is not applicable to any portion thereof. In such case the transportation company will be liable to its vendors for retail sales tax upon the purchase of the food supplies or meals.

HOSPITALS AND INSTITUTIONS. The serving of meals by hospitals, rest homes, sanitariums and similar institutions to patients as a part of the service rendered in the conduct of such institutions is not subject to the retail sales tax. In cases where compensation of nurses or attendants employed by hospitals includes the furnishing of meals in addition to the stated cash wage, the same rule applies. Sales of food and beverage products to such institutions for use in preparing such meals are sales for consumption and are subject to the tax.

However, many hospitals have cafeterias or restaurants through which meals are sold for cash or credit to doctors, visitors, nurses and other employees, and certain hospitals have agreements whereby nurses employed are paid a fixed cash wage in full payment for services rendered, which does not include the charge made for meals.

Under those circumstances, all sales of meals to such persons are subject to the retail sales tax.

Since it is impracticable for hospitals, at the time of purchasing food products, to determine the portion that will be used in furnishing the services rendered by them, hospitals may, in lieu of accurate accounting, determine sales tax liability, upon sales of meals served to other than patients, in the following manner:

(1) Retail sales tax should be paid to hospitals' vendors upon all purchases of food products, irrespective of the amount thereof to be served to patients.

(2) Retail sales tax should be collected upon all sales of meals made to doctors and visitors and to nurses and all other employees whose compensation does not include the furnishing of meals.

(3) In computing sales tax liability, hospitals may take a deduction of 50% from the gross sales, in lieu of refund of sales tax paid by them to their vendors upon the original purchase of food used in preparing meals for sale to doctors and visitors and to nurses and others whose compensation does not include the furnishing of meals.

FRATERNITIES AND SORORITIES. Fraternities, sororities and other groups of individuals who reside in one place and jointly share the expenses of the household including expense of meals are not considered to be making sales when meals are furnished to members. Sales of food and beverage products to such groups to be used in preparing meals are sales for consumption and are subject to the retail sales tax.

However, when such groups do not provide their own meals, but the meals are provided by caterers or concessionaires, the caterers or concessionaires are making retail sales subject to the tax. Sales to such caterers or concessionaires of food and beverage products for use in preparing meals are sales for resale and are not subject to the tax.

MEALS FURNISHED TO EMPLOYEES. Sales of meals by logging companies, mills, contractors, transportation companies and other business and industrial concerns to employees are sales at retail and subject to the retail sales tax. This is true whether individual meals are sold, whether a flat charge is made, or whether meals are furnished as a part of the compensation for services rendered. Where no specific charge is made for each meal, the measure of the tax will be average cost per meal served to each employee, based upon the actual cost of the food. In view of the fact that it is often impracticable to collect the retail sales tax from employees on such sales, persons engaged in the business of furnishing meals to the public may, in lieu of collecting such tax from employees, pay the tax directly to the department of revenue. Where meals furnished are not recorded as sales the tax due on meals shall be presumed to apply according to the following formula for determining meal count: (a) Those employees working shifts up to five hours, one meal; (b) employees working shifts of more than five hours, two meals.

Persons engaged in the business of furnishing meals to the public, generally pay their employees a fixed cash wage and, in addition thereto, furnish one or more meals per day to such employees, as compensation for their

services. The furnishing of such meals constitutes a retail sale, irrespective of whether or not a specific charge is made therefor. Where a specific charge is made, the retail sales tax must be collected and accounted for on the selling price.

SCHOOL, COLLEGE, OR UNIVERSITY DINING ROOMS. Public schools, high schools, colleges, universities or private schools operating lunch rooms, cafeterias or dining rooms for the exclusive purpose of providing students and faculty with meals are not considered to be engaged in the business of making retail sales.

Where any such cafeteria, lunch or dining room caters to the public the school, college or university operating it is considered to be making retail sales and the retail sales tax must be collected from all persons to whom the meals are furnished.

~~((SALES OF ALCOHOLIC BEVERAGES BY CLASS H LICENSEES, TAVERNS, AND CONCESSIONAIRES. Businesses authorized under license or permit issued by the Washington state liquor control board to sell liquor, beer, and wine by the drink under conditions of business such as to render impracticable the separate collection of the retail sales tax may, upon compliance with the following requirements and conditions, include the retail sales tax in the selling price of the item sold: (a) The establishment must display a chart, in type large enough to be read by customers, posted in a conspicuous place, which separately lists each item by name, the selling price, sales tax, and total charge, and (b) the chart must be posted at a location where the customer can easily read the chart without being required to enter employee work areas or without special request that the chart be furnished to him. This procedure is permissible only for sale of alcoholic beverages and not to sales of meals or other menu items. A list of prices which merely shows number combinations which add up to even nickel or dime amounts does not meet the foregoing requirements. An operator who elects to report sales tax in the manner herein provided but fails to follow the foregoing requirements shall be subject to business and occupation tax and retail sales tax upon gross receipts:))~~

SALES OF MEALS, BEVERAGES, AND FOOD AT PRICES INCLUDING SALES TAX. Persons who advertise and/or sell meals, alcoholic or other beverages, or any kind of food products upon which retail sales tax is due should refer to WAC 458-20-244 (Food products) and WAC 458-20-107 (Advertised prices including sales tax—Warranties, maintenance agreements, service contracts). Effective on April 15, 1985 the former special provisions of this rule applicable to restaurants, taverns, concessionaires, and sellers of alcoholic beverages, which sell at prices including sales tax were superseded by the provisions of WAC 458-20-107.

CLASS H LICENSE LOCATIONS. When an operator elects ~~((pursuant to the foregoing,))~~ to sell drinks at a price which, after addition of sales tax is rounded off to an even amount, this pricing method for drinks must be used in all areas of the location. This means that the price posting requirements must be met wherever drinks are sold so that the customer can identify readily the items billed inclusive of tax and those billed exclusive of

tax. Therefore, drink totals which include tax and food totals which do not include tax must be shown separately so that all dinner checks involving both food and liquor charges shall be presented to the customer with amounts due shown in the following order: Food, sales tax on food, liquor, total. Persons who elect to post prices to show amounts of tax included but who fail to comply with these requirements are subject to business and occupation tax and retail sales tax measured by the gross bar and cocktail lounge receipts.

GRATUITIES. Tips or gratuities representing donations or gifts by customers under circumstances which are clearly voluntary are not part of the selling price subject to tax. However, mandatory additions to the price by the seller, whether labeled service charges, tips, gratuities or otherwise must be included in the selling price and are subject to both the retailing classification of the business and occupation tax and the retail sales tax.

Effective May 1, 1982.

WSR 86-03-017
EMERGENCY RULES
DEPARTMENT OF GAME
(Game Commission)
[Order 294—Filed January 7, 1986]

Be it resolved by the State Game Commission, acting at the Westwater Inn, Evergreen Park Drive S.W., Olympia, WA 98502, that it does adopt the annexed rules relating to emergency declaration, dogs may be taken into custody or destroyed, WAC 232-12-04506.

Dogs pursuing, harassing, attacking or killing deer or elk in certain counties may be taken into custody or destroyed.

We, the State Game Commission, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is deep and crusted snow has moved deer and elk into lowland areas and made them vulnerable to pursuit, harassment, attack or being killed by dogs running loose. Instances of deer being killed by dogs have been documented.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 77.12.315 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 6, 1986.

By Archie U. Mills
Chairman, Game Commission

NEW SECTION

WAC 232-12-04506 EMERGENCY DECLARATION, DOGS MAY BE TAKEN INTO CUSTODY OR DESTROYED. Pursuant to the determination by the Director of Game that a severe problem exists in Clallam, Jefferson, Kitsap, Klickitat, Lincoln, Mason and Skamania counties, the State Game Commission declares that an emergency exists, and that effective January 8, 1986, in the aforementioned counties, it is lawful for wildlife agents to take into custody, or destroy if necessary, any dog found pursuing, harassing, attacking or killing deer or elk. Wildlife agents who take into custody or destroy a dog pursuant to this rule and RCW 77.12.315 are immune from civil or criminal liability arising from their actions.

WSR 86-03-018
EMERGENCY RULES
DEPARTMENT OF GAME
(Game Commission)
 [Order 295—Filed January 8, 1986]

Be it resolved by the State Game Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to regulation change for sport fishing on the Puyallup River system, WAC 232-28-61506.

We, the State Game Commission, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the wild steelhead run is projected to be less than the spawning escapement objective. All further harvest must be limited to hatchery origin steelhead.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 77.12.040 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 6, 1986.

By Jack S. Wayland
 Director

NEW SECTION

WAC 232-28-61506 REGULATION CHANGE FOR SPORT FISHING ON THE PUYALLUP RIVER SYSTEM. Notwithstanding the provisions of WAC 232-28-615 on the Puyallup River System, only steelhead with missing adipose or ventral fins may be possessed starting January 10, 1986. It is unlawful to

possess a steelhead with a freshly cut or mutilated adipose or ventral fin effective January 10, 1986 to March 31, 1986.

WSR 86-03-019
NOTICE OF PUBLIC MEETINGS
BOARD FOR VOLUNTEER FIREMEN
 [Memorandum—January 7, 1986]

The Board for Volunteer Firemen will next meet on January 17, 1986, at 9:00 a.m. in the Temple of Justice, Olympia, Washington.

WSR 86-03-020
ADOPTED RULES
WESTERN WASHINGTON UNIVERSITY
 [Order 12-5-85—Filed January 8, 1986]

Be it resolved by the board of trustees of Western Washington University, acting at the Office of the Secretary of State, Olympia, Washington, that it does adopt the annexed rules relating to health and safety, WAC 516-52-001 and 516-52-010.

This action is taken pursuant to Notice Nos. WSR 85-19-072 and 85-24-067 filed with the code reviser on September 18, 1985, and December 3, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 28B.19.050(2).

This rule is promulgated pursuant to RCW 28B.35.120(11) which directs that the Western Washington University has authority to implement the provisions of the Washington Clean Indoor Air Act, chapter 70.160 RCW.

The undersigned hereby declares that the institution has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED December 5, 1985.

By Gordon Sandison
 Chairman, Board of Trustees

AMENDATORY SECTION (Amending Order 72-19 [72-10], filed 11/17/72)

✓ **WAC 516-52-001 SMOKING ON CAMPUS.** Smoking shall not be permitted in any building on campus except in (1) clearly posted areas designated by the president or his designee(;;); and (2) private enclosed inner faculty and administrative offices at the discretion of the individual in charge of each office ((and (3) seminar classes on condition a faculty member is present and adequate ashtrays are available)).

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

Reviser's note: RCW 28B.19.077 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-52-010 CONTROL OF DOGS. (1) Dogs are not permitted in ~~((college))~~ university buildings(-) except for seeing-eye dogs and dogs trained for assisting the hearing impaired under immediate control of their owners.

(2) Dogs are not permitted on ~~((college))~~ university property unless under immediate control of their owner.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

WSR 86-03-021**ADOPTED RULES****BOARD OF INDUSTRIAL INSURANCE APPEALS**

[Order 20—Filed January 10, 1986]

Be it resolved by the Board of Industrial Insurance Appeals, acting at Olympia, Washington, that it does adopt the annexed rules relating to rules of practice and procedure before the Board of Industrial Insurance Appeals, to wit: WAC 263-12-015, 263-12-016, 263-12-017, 263-12-018, 263-12-019, 263-12-050, 263-12-056, 263-12-060, 263-12-125, 263-12-145, 263-12-150, 263-12-170, 263-12-180, 263-12-190, 263-12-007 and chapter 263-16 WAC.

This action is taken pursuant to Notice Nos. WSR 85-23-036 and 85-23-070 filed with the code reviser on November 15, 1985, and November 20, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 51.52.104 and chapters 51.48 and 42.17 RCW and is intended to administratively implement that statute.

This rule is promulgated under the general rule-making authority of the Board of Industrial Insurance Appeals as authorized in RCW 51.52.020.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 9, 1986.

By Frank E. Fennerty, Jr.
Member

AMENDATORY SECTION (Amending Order 15, filed 12/29/83)

WAC 263-12-015 ADMINISTRATION AND ORGANIZATION. (1) Composition of the board. The board is an independent agency of the state of Washington composed of three members appointed by the governor. One member is a representative of workers, one member is a representative of employers, and the chairperson, who must be an active member of the Washington State Bar, is the representative of the public. Whenever the orderly and expeditious disposition of the workload of the board necessitates, the governor may

appoint two pro tem members in addition to the regular members, one of whom shall be a representative of workers and one of whom shall be a representative of employers. The members of the board shall devote their entire time to the duties of the board.

(2) Location of the board. The headquarters, and principal office of the board, is located at 410 W. Fifth, Capital Center Building, in Olympia, Washington 98504.

(3) Formal board meetings. The board shall meet in formal session at its headquarters in Olympia, Washington at 9 a.m. on the first and third Tuesday of each month, and at such other times and places as the board may deem necessary, subject to 24-hour notice as required by law.

(4) Staff organization.

(a) The board's headquarters in Olympia is staffed with executive, administrative and clerical personnel.

(b) The board has a staff of industrial appeals judges, supervised by a chief industrial appeals judge and two assistant chief industrial appeals judge, who travel throughout the state in the performance of their duties and who have their offices in Olympia and in other areas of the state as is deemed necessary for efficient and cost effective handling of agency business.

(c) The office of the secretary of the board is located at the headquarters and principal office of the board.

(5) Communications with the board. All written communications by parties pertaining to a particular case, including applications, motions, requests, or petitions for review, shall be filed with the secretary of the board at its headquarters in Olympia, Washington, except that copies of all correspondence and official communications filed with the secretary of the board pertaining to a particular case, before the entry of a proposed decision and order, must be sent to the industrial appeals judge assigned to the case for appropriate action. Correspondence respecting the scheduling of a particular case shall be sent to the industrial appeals judge assigned to that case. Copies of all such written communications shall be furnished to all other parties or their representatives of record, and the original shall show thereon compliance with this requirement. All written communications with the board shall be on paper 8 1/2" x 11" in size.

AMENDATORY SECTION (Amending Order 12, filed 12/2/82)

WAC 263-12-016 PUBLIC RECORDS—LOCATION(~~(=OFFICE HOURS)~~). (1) Public records (~~(shall be available for inspection and copying during the customary office hours of the board. For the purpose of this chapter, the customary office hours shall be from 8 a.m. to 5 p.m., Monday through Friday, excluding legal holidays)~~) available. All public records of the board as defined in chapter 42.17 RCW are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310.

(2) General information concerning the board may be obtained at its headquarters, 410 W. Fifth, Capital Center Building, Olympia, Washington 98504.

~~(3) ((Upon written request, made to the board's headquarters, in Olympia, the board or its designee may authorize, and promptly make appropriate arrangements for inspection and copying of its public records.)) Public records officer. The public records officer shall be responsible for the following: The implementation of the board's rules and regulations regarding release of public records, coordinating the staff of the board in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.~~

(4) Indices are available providing identifying information as to the following: (a) Final decisions and orders of the board, including concurring and dissenting opinions; (b) proposed decisions and orders of the board's industrial appeals judges; (c) industrial appeals judge's handbook; (d) in addition, any indices maintained for intra-agency use are available for public inspection and copying.

(5) No fee will be charged for inspection of public records. Inspection will be during office hours in a space provided by the board and must be accomplished without excessive interference with the essential functions of the agency, and without causing damage or disorganization to said public records.

(6) A fee shall be charged for copies of documents made with the board's equipment in an amount necessary to cover the cost to the agency of providing such service.

NEW SECTION

✓ WAC 263-12-017 REQUEST FOR PUBLIC RECORDS. (1) In accordance with requirements of chapter 42.17 RCW 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 may be inspected or copied, or copies of such records may be inspected or copied, or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(2) A request shall be made in writing upon a form prescribed by the board which shall be available at its headquarters. The form shall be presented to the public records officer, or to any member of the board's staff, if the public records officer is not available, at the headquarters of the board during customary office hours. For the purpose of this chapter, the customary office hours shall be from 8 a.m. to 5 p.m., Monday through Friday, excluding legal holidays.

The request shall include the following information:

(a) The name of the person requesting the record;
 (b) The date of 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 records officer, a reference to the requested record as it is described in such current index; and

(e) If the request matter is not identifiable by reference to the board's current index, and appropriate description of the record requested.

(3) 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 staff member to whom the request is made to assist the member of the public in appropriately identifying the public record requested.

AMENDATORY SECTION (Amending Order 7, filed 4/4/75)

✓ WAC 263-12-018 PUBLIC RECORDS—EXEMPTIONS. (1) The board shall determine which public records requested in accordance with these rules are exempt under the provisions of RCW 42.17.310.

(2) Pursuant to RCW 42.17.260, the board may delete identifying details when it makes available or publishes any public record in any case where there is reason to believe that disclosure of such details would be an invasion of personal privacy.

(3) Denials of requests for public records will be accompanied by a written statement specifying the reason for the denial. A statement of the specific exemption in chapter 42.17 RCW authorizing withholding the record and a brief explanation of how the exemption applies to the record held will be included.

~~((4) Denials of requests for public records will be reviewed, upon request by the applicant, by the board pursuant to RCW 42.17.320.))~~

NEW SECTION

✓ WAC 263-12-019 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. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the board. The board shall immediately consider the matter and either affirm or reverse such denial or call a special meeting of the board as soon as legally possible to review the denial. In any case, the request shall be returned with a final decision within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the board has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

AMENDATORY SECTION (Amending Order 11, filed 1/18/82)

✓ WAC 263-12-050 APPEALS ARISING UNDER THE INDUSTRIAL INSURANCE ACT—CONTENTS OF NOTICE OF APPEAL. In cases arising under the Industrial Insurance Act (Title 51 RCW) the jurisdiction of the board shall be invoked by filing a written notice of appeal, which shall contain where applicable:

(1) The name and address of the appealing party and ~~((his or her))~~ of the party's representative, if any;

- (2) The name and address of the injured worker;
- (3) The name and address of the worker's employer at the time the injury or occupational disease occurred;
- (4) In the case of occupational disease, the name and address of all employers in whose employment the worker was allegedly exposed to conditions that gave rise to the occupational disease;
- (5) The time when and the place where the injury occurred or the occupational disease arose;
- (6) The nature of the injury or occupational disease;
- (7) A statement identifying the order, decision or award appealed from;
- (8) The grounds upon which the appealing party considers such order, decision or award to be unjust or unlawful;
- (9) A statement of facts in full detail in support of each ground stated;
- (10) The relief sought, including the specific nature and extent thereof;
- (11) In the case of appeals from notice of assessment arising under chapter 51.48 RCW, a statement setting forth with particularity the reason for the employer's appeal and the amounts, if any, that the employer admits are due;
- (12) The place, most convenient to the appealing party and ~~((his or her))~~ said party's witnesses, where board proceedings are requested to be held;
- ~~((+2))~~ (13) A statement that the person signing the notice of appeal has read it and that to the best of his or her knowledge or information and belief the contents thereof are true. A notice of appeal may be signed by the appealing party or by ~~((his or her))~~ the party's representative.

✓ AMENDATORY SECTION (Amending Order 11, filed 1/18/82)

WAC 263-12-056 APPEALS ARISING UNDER THE WASHINGTON INDUSTRIAL SAFETY AND HEALTH ACT—CONTENTS OF NOTICE OF APPEAL. In cases arising under the Washington Industrial Safety and Health Act (chapter 49.17 RCW), the notice of appeal when filed with the board shall be in writing and shall contain where applicable:

- (1) The name and address of the appealing party and ~~((his or her))~~ of the party's representative, if any;
- (2) A statement identifying the citation, penalty assessment, or notice of abatement date appealed from;
- (3) The grounds upon which the appealing party considers such citation, penalty assessment, or abatement date to be incorrect or improper;
- (4) A notice of appeal may be signed by the party or by ~~((his or her))~~ the party's representative.

✓ AMENDATORY SECTION (Amending Order 12, filed 12/2/82)

WAC 263-12-060 FILING APPEALS—PROCEDURES—LIMITATION OF TIME. (1) In cases arising under the Industrial Insurance Act, other than

appeals from notice of assessment filed pursuant to chapter 51.48 RCW, or the Crime Victims Compensation Act the notice of appeal shall be filed within sixty days from the date the copy of the order, decision or award of the department was communicated to the appealing party. The original and one copy of the notice of appeal shall be filed, by mail or otherwise, with the secretary of the board at its headquarters, and one copy shall be filed, by mail or otherwise, with the director of the department of labor and industries.

(2) Appeals from notice of assessment arising under chapter 51.48 RCW shall be filed within thirty days from the date the notice of assessment was served upon the employer. The original and one copy of the notice of appeal shall be filed, by mail or delivered in person, to the secretary of the board of industrial insurance appeals at its headquarters and to the director of the department of labor and industries.

(3) As required by the provisions of RCW 49.17.140(3), an appeal from a citation, abatement period or penalty assessment under the Washington Industrial Safety and Health Act is initiated by giving the director of the department of labor and industries notice of intent to appeal within fifteen working days from the date of notification of such citation, abatement period or penalty assessment. If the director does not reassume jurisdiction over the matter as to which notice of intent to appeal is given, there shall be promptly transmitted the notice of intent to appeal together with the department's record in the matter to the secretary of the board, whereupon the matter shall be deemed an appeal before the board. If the director reassumes jurisdiction pursuant to a notice of intent to appeal, there shall be, within fifteen working days of such reassumption, a further determinative order issued in the matter. Any appeal from such further determinative order must be made directly to the board by filing a written notice of appeal, by mail or otherwise, with the secretary of the board, with a copy filed, by mail or otherwise, with the director of the department, within fifteen working days from the date of notification of such further determinative order.

~~((3))~~ (4) The secretary of the board shall forthwith acknowledge receipt of any appeal filed with the board and the board's stamp placed thereon shall be prima facie evidence of the date of receipt. The board may thereafter require additional copies to be filed.

✓ AMENDATORY SECTION (Amending Order 12, filed 12/2/82)

WAC 263-12-125 APPLICABILITY OF COURT RULES. Insofar as applicable, and not in conflict with these rules, the statutes and rules regarding procedures in civil cases in the superior courts of this state shall be followed: PROVIDED, That affidavits of prejudice against an industrial appeals judge in the manner set forth in RCW 4.12.050 must be filed with the board prior to the ~~((date of the first conference in the appeal))~~ first proceeding before the industrial appeals judge to whom the case is assigned to conduct hearings.

AMENDATORY SECTION (Amending Order 12, filed 12/2/82)

✓ WAC 263-12-170 APPEALS TO SUPERIOR COURT—CERTIFICATION OF RECORD. Upon receipt of a copy of notice of appeal to superior court from a board order, served upon the board by the appealing party pursuant to RCW 51.52.110, 7.68.110, 51.48.131, or 49.17.150, the secretary shall certify the record made before the board to the court pursuant to the provisions of RCW 51.52.110, 7.68.110, 51.48.131, 34.04.130 or 49.17.150. Copies of such record (except the exhibits) shall be furnished to all parties to the proceedings before the board.

AMENDATORY SECTION (Amending Order 4, filed 6/9/72)

✓ WAC 263-12-180 PETITIONS FOR DECLARATORY RULING. (1) Right to petition for declaratory ruling. As prescribed by RCW 34.04.080, any interested party may petition the board for a declaratory ruling.

(2) Form of petition. The form of the petition for a declaratory ruling shall generally adhere to the following:

(a) At the top of the page shall appear the wording "Before the board of industrial insurance appeals, state of Washington." On the left side of the page below the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for a declaratory ruling."

Opposite the foregoing caption shall appear the word "petition."

(b) The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party. The second paragraph shall state all rules or statutes that may be brought into issue by the petition. Succeeding paragraphs shall set out the state of facts relied upon in form similar to that applicable to complaints in civil actions before the superior courts of this state. The concluding paragraphs shall contain the prayer of the petitioner. The petition shall be subscribed and verified in the manner prescribed in these rules.

(c) The original and two legible copies shall be filed with the board. Petitions shall be on white paper, ((either) 8 1/2" x 11" ((or 8 1/2" x 13")) in size.

(3) Consideration of petition. The entire board shall consider the petition, and within a reasonable time shall:

(a) Issue a nonbinding declaratory ruling; or

(b) Notify the person that no declaratory ruling is to be issued; or

(c) Set a reasonable time and place for a hearing or for submission of written evidence on the matter, and give reasonable notification to the person of the time and place for such hearing or submission, and of the issues involved.

(4) Disposition of petition. If a hearing is held or evidence is submitted, the board shall, within a reasonable time:

(a) Issue a binding declaratory ruling; or

(b) Issue a nonbinding declaratory ruling; or

(c) Notify the person that no declaratory ruling is to be issued.

AMENDATORY SECTION (Amending Order 4, filed 6/9/72)

✓ WAC 263-12-190 PETITIONS FOR RULE MAKING. (1) Right to petition for rule making. Any interested person may petition the board for the promulgation, amendment, or repeal of any rule.

(2) Form of petition. The form of the petition for promulgation, amendment, or repeal of any rule shall generally adhere to the following:

At the top of the page shall appear the wording, "Before the board of Industrial Insurance Appeals, State of Washington." On the left side of the page below the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for (state whether promulgation, amendment or repeal) of rule (or rules)." Opposite the foregoing caption shall appear the word "petition."

The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party and whether the petitioner seeks the promulgation of new rule or rules, or amendment or repeal of existing rule or rules. The second paragraph, in case of a proposed new rule or amendment of an existing rule, shall set forth the desired rule in its entirety. Where the petition is for amendment, the new matter shall be underscored and the matter proposed to be deleted shall appear in double parentheses. Where the petition is for repeal of an existing rule, such shall be stated and the rule proposed to be repealed shall either be set forth in full or shall be referred to by rule number. The third paragraph shall set forth concisely the reasons for the proposal of the petitioner and shall contain a statement as to the interest of the petitioner in the subject matter of the rule. Additional numbered paragraphs may be used to give full explanation of petitioner's reason for the action sought.

Petitions shall be dated and signed by the person or entity named in the first paragraph or by his attorney. The original and two legible copies of the petition shall be filed with the board. Petitions shall be on white paper, ((either) 8 1/2" x 11" ((or 8 1/2" x 13")) in size.

(3) Consideration of petitions. All petitions shall be considered by the entire board, and the board may, in its discretion, order an informal hearing or meeting for the further consideration and discussion of the requested promulgation, amendment or repeal of any rule.

(4) Notification of disposition of petition. The board shall notify the petitioning person within a reasonable time of the disposition, if any, of the petition.

AMENDATORY SECTION (Amending Order 12, filed 12/2/82)

✓ WAC 263-12-145 PETITION FOR REVIEW. (1) Time for filing. Within twenty days, or such further period as the board may allow on written application of a party, filed within twenty days from the date of communication of the proposed decision and order to the parties or their representatives of record, any party aggrieved

thereby may file with the secretary of the board at Olympia, Washington, a written petition for review with copies thereof served on all other parties. The date such petition for review is ~~((received at))~~ placed in the mail or personally delivered to the board's offices in Olympia shall be the date upon which filing is perfected. In the event such petition for review is filed, the failure of any party not aggrieved by the proposed decision and order to file a petition for review shall not be deemed a waiver by such party of any objections or irregularities disclosed by the record.

(2) Contents. Such petition for review shall set forth in detail the grounds therefor and the party or parties filing the same shall be deemed to have waived all objections or irregularities not specifically set forth therein. A general objection to findings of fact on the ground that the weight of evidence is to the contrary shall not be considered sufficient compliance, unless the objection shall refer to the evidence relied upon in support thereof. If legal issues are involved, the petition for review shall set forth the legal theory relied upon and citation of authority and/or argument in support thereof. In order to facilitate preparation of such petition for review in sufficient detail, the board shall, on request of any party, serve upon said party a copy of the transcript of testimony and other proceedings at the hearing, provided that such party sign an acknowledgement that receipt thereof shall constitute compliance by the board, in the event of an appeal to superior court, with that portion of RCW 51.52.110 requiring service on said party of a certified copy of the testimony in industrial insurance cases.

With respect to rulings concerning admission or exclusion of evidence, a general objection to all such rulings adverse to the party shall be considered adequate compliance with this rule.

(3) Action by board on petition for review. Within twenty days after receipt of a petition for review, the board shall enter an order either denying the petition for review, in which case the proposed decision and order shall become the final order of the board, or granting the petition for review, in which case the board shall within one hundred and eighty days from the date a petition for review is filed issue a final decision and order based upon its review of the record or any part thereof deemed necessary: PROVIDED, That if a petition for review is not acted upon by the board within twenty days from the date it is filed, it shall be deemed to have been granted.

Any party may, within ten days of receipt of the board's order granting review, submit a reply to the petition for review, a written brief, or a statement of position regarding the matters to which objections were made, or the board may, on its own motion, require the parties to submit written briefs or statements of position or to appear and present oral argument regarding the matters to which objections were made, within such time and on such terms as may be prescribed. In such instances, copies of the transcript of testimony and other proceedings at the hearing shall be furnished to any party requesting same, and this shall be deemed compliance with RCW 51.52.110 in industrial insurance cases.

After review of the record, the board may set aside the proposed decision and order and remand the appeal

to the hearing process, with instructions to the industrial appeals judge to whom the appeal is assigned on remand, to schedule a further hearing for the purpose of presenting such evidence in addition to that contained in the record as the board deems necessary to decide the appeal fairly and equitably. In the exercise of this power, a physical or mental examination of a worker or victim of crime by medical experts or evaluation by an expert vocational consultant may be ordered to be conducted at the board's expense. Any evidence presented by the industrial appeals judge shall be presented in an impartial manner, and shall be received subject to full opportunity for cross-examination by all parties. If a party desires to present rebuttal evidence to any evidence so presented, he must make application therefor immediately following the conclusion of such evidence. Such application will be granted by recessing the hearing to a time and place for taking such rebuttal evidence. Following the completion of the further hearing ordered by the board, the industrial appeals judge shall enter a proposed decision and order based upon the entire record.

If an objection is made to a ruling or rulings of an industrial appeals judge sustaining an objection to admissibility of evidence, or denying a recess for the presentation of further evidence, or denying a motion for a physical or mental examination or vocational evaluation of a worker or victim of crime, and the board determines that said ruling or rulings were erroneous, the board may return the case to the industrial appeals judge with appropriate instructions, and a further proposed decision and order shall be issued by the industrial appeals judge after the additional evidence shall have been received.

AMENDATORY SECTION (Amending Order 12, filed 12/2/82)

✓ WAC 263-12-150 FINALITY OF PROPOSED DECISIONS AND ORDERS. (1) Where no petition for review is filed. In the event no petition for review is filed as provided herein by any party, the proposed decision and order of the industrial appeals judge shall be adopted by the board and become the decision and order of the board, and no appeal may be taken therefrom to the courts.

(2) Proposed decision and order deemed adopted without formal action. If an order adopting the proposed decision and order is not formally signed by the board on the day following the ~~((expiration of the time period for filing a))~~ date the petition for review of the proposed decision and order is due, said proposed decision and order shall be deemed adopted by the board and become the decision and order of the board, and no appeal may be taken therefrom to the courts.

(3) Order adopting proposed decision and order—delay in mailing to parties. To permit adequate time for postal delivery of petitions for review or requests for extension of time to file petitions for review which have been filed by mail pursuant to RCW 51.52.104, the board will delay the mailing of its order adopting the proposed decision and order to all parties until three days after the date the petition is due. Notwithstanding the date of mailing of the order adopting the proposed

decision and order, such order shall be effective immediately following the last day permitted for filing a petition for review.

(4) Setting aside final order due to delayed postal delivery. If, after entry or mailing of the order adopting proposed decision and order, a petition for review or a request for extension of time to file a petition for review is received which bears evidence of mailing within the time permitted for filing such petition, the board will set aside the order adopting the proposed decision and order and consider the petition or request for extension as one timely filed.

AMENDATORY SECTION (Amending Order 12, filed 12/2/82)

✓ WAC 263-12-007 APPLICATION OF CHAPTER. Unless otherwise provided in this title, the rules of practice and procedure set forth in this chapter are applicable to appeals filed under: (1) The Industrial Insurance Act, Title 51 RCW, (~~except those relating to expedited appeals filed pursuant to RCW 51.41.060,~~) (2) the Washington Industrial Safety and Health Act, chapter 49.17 RCW, and (3) the Crime Victims Compensation Act, chapter 7.68 RCW.

REPEALER

The following sections of the Washington Administrative Code, including all of Chapter 16, WAC 263, are repealed:

- ✓ (1) WAC 263-16-005 PURPOSE AND SCOPE.
- ✓ (2) WAC 263-16-010 APPLICABILITY OF PRACTICE AND PROCEDURE RULES IN CHAPTER 263-12 WAC.
- ✓ (3) WAC 263-16-020 APPEALS ARISING UNDER CHAPTER 63, LAWS OF 1982, RELATING TO VOCATIONAL REHABILITATION—CONTENTS OF NOTICE OF APPEAL.
- ✓ (4) WAC 263-16-030 VOCATIONAL REHABILITATION APPEALS—PROCEDURE FOR FILING—LIMITATION OF TIME.
- ✓ (5) WAC 263-16-040 ASSIGNMENT OF VOCATIONAL REHABILITATION APPEALS—EXPEDITED COMPLETION OF PROCEEDINGS.
- ✓ (6) WAC 263-16-050 DISPOSITION OF VOCATIONAL REHABILITATION APPEALS BY AGREEMENT.
- ✓ (7) WAC 263-16-060 EXPEDITED HEARINGS IN VOCATIONAL REHABILITATION APPEALS—NOTICE OF HEARING.
- ✓ (8) WAC 263-16-070 PROCEDURE AT HEARINGS OF VOCATIONAL REHABILITATION APPEALS.
- ✓ (9) WAC 263-16-080 FINAL DECISION AND ORDERS IN VOCATIONAL REHABILITATION APPEALS.
- ✓ (10) WAC 263-16-090 APPEALS TO SUPERIOR COURT FROM FINAL ORDERS IN VOCATIONAL REHABILITATION APPEALS—CERTIFICATION OF RECORD.

WSR 86-03-022

EMERGENCY RULES

BOARD OF INDUSTRIAL INSURANCE APPEALS

[Order 21—Filed January 10, 1986]

Be it resolved by the Board of Industrial Insurance Appeals, acting at Olympia, Washington, that it does adopt the annexed rules relating to rules of practice and procedure before the Board of Industrial Insurance Appeals, to wit: WAC 263-12-145 and 263-12-150.

We, the Board of Industrial Insurance Appeals, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is on July 28, 1985, ESB 3426 became effective. Agency procedural rules require amendment to conform to new law. The permanent version of this rule will not become effective until February 8, 1986. Therefore, the emergency rule must be extended from January 21, 1986, to February 8, 1986.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the Board of Industrial Insurance Appeals as authorized in RCW 51.52.020.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 9, 1986.

By Phillip T. Bork
Board Member

AMENDATORY SECTION (Amending Order 12, filed 12/2/82)

WAC 263-12-145 PETITION FOR REVIEW. (1) *Time for filing. Within twenty days, or such further period as the board may allow on written application of a party, filed within twenty days from the date of communication of the proposed decision and order to the parties or their representatives of record, any party aggrieved thereby may file with the secretary of the board at Olympia, Washington, a written petition for review with copies thereof served on all other parties. The date such petition for review is ((received at)) placed in the mail or personally delivered to the board's offices in Olympia shall be the date upon which filing is perfected. In the event such petition for review is filed, the failure of any party not aggrieved by the proposed decision and order to file a petition for review shall not be deemed a waiver by such party of any objections or irregularities disclosed by the record.*

(2) *Contents. Such petition for review shall set forth in detail the grounds therefor and the party or parties filing the same shall be deemed to have waived all objections or irregularities not specifically set forth therein. A general objection to findings of fact on the ground*

that the weight of evidence is to the contrary shall not be considered sufficient compliance, unless the objection shall refer to the evidence relied upon in support thereof. If legal issues are involved, the petition for review shall set forth the legal theory relied upon and citation of authority and/or argument in support thereof. In order to facilitate preparation of such petition for review in sufficient detail, the board shall, on request of any party, serve upon said party a copy of the transcript of testimony and other proceedings at the hearing, provided that such party sign an acknowledgement that receipt thereof shall constitute compliance by the board, in the event of an appeal to superior court, with that portion of RCW 51.52.110 requiring service on said party of a certified copy of the testimony in industrial insurance cases.

With respect to rulings concerning admission or exclusion of evidence, a general objection to all such rulings adverse to the party shall be considered adequate compliance with this rule.

(3) Action by board on petition for review. Within twenty days after receipt of a petition for review, the board shall enter an order either denying the petition for review, in which case the proposed decision and order shall become the final order of the board, or granting the petition for review, in which case the board shall within one hundred and eighty days from the date a petition for review is filed issue a final decision and order based upon its review of the record or any part thereof deemed necessary: PROVIDED, That if a petition for review is not acted upon by the board within twenty days from the date it is filed, it shall be deemed to have been granted.

Any party may, within ten days of receipt of the board's order granting review, submit a reply to the petition for review, a written brief, or a statement of position regarding the matters to which objections were made, or the board may, on its own motion, require the parties to submit written briefs or statements of position or to appear and present oral argument regarding the matters to which objections were made, within such time and on such terms as may be prescribed. In such instances, copies of the transcript of testimony and other proceedings at the hearing shall be furnished to any party requesting same, and this shall be deemed compliance with RCW 51.52.110 in industrial insurance cases.

After review of the record, the board may set aside the proposed decision and order and remand the appeal to the hearing process, with instructions to the industrial appeals judge to whom the appeal is assigned on remand, to schedule a further hearing for the purpose of presenting such evidence in addition to that contained in the record as the board deems necessary to decide the appeal fairly and equitably. In the exercise of this power, a physical or mental examination of a worker or victim of crime by medical experts or evaluation by an expert vocational consultant may be ordered to be conducted at the board's expense. Any evidence presented by the industrial appeals judge shall be presented in an impartial manner, and shall be received subject to full opportunity for cross-examination by all parties. If a party desires to present rebuttal evidence to any evidence so presented,

he must make application therefor immediately following the conclusion of such evidence. Such application will be granted by recessing the hearing to a time and place for taking such rebuttal evidence. Following the completion of the further hearing ordered by the board, the industrial appeals judge shall enter a proposed decision and order based upon the entire record.

If an objection is made to a ruling or rulings of an industrial appeals judge sustaining an objection to admissibility of evidence, or denying a recess for the presentation of further evidence, or denying a motion for a physical or mental examination or vocational evaluation of a worker or victim of crime, and the board determines that said ruling or rulings were erroneous, the board may return the case to the industrial appeals judge with appropriate instructions, and a further proposed decision and order shall be issued by the industrial appeals judge after the additional evidence shall have been received.

AMENDATORY SECTION (Amending Order 12, filed 12/2/82)

WAC 263-12-150 FINALITY OF PROPOSED DECISIONS AND ORDERS. (1) Where no petition for review is filed. In the event no petition for review is filed as provided herein by any party, the proposed decision and order of the industrial appeals judge shall be adopted by the board and become the decision and order of the board, and no appeal may be taken therefrom to the courts.

(2) Proposed decision and order deemed adopted without formal action. If an order adopting the proposed decision and order is not formally signed by the board on the day following the ((expiration of the time period for filing a)) date the petition for review of the proposed decision and order is due, said proposed decision and order shall be deemed adopted by the board and become the decision and order of the board, and no appeal may be taken therefrom to the courts.

(3) Order adopting proposed decision and order—delay in mailing to parties. To permit adequate time for postal delivery of petitions for review or requests for extension of time to file petitions for review which have been filed by mail pursuant to RCW 51.52.104, the board will delay the mailing of its order adopting the proposed decision and order to all parties until three days after the date the petition is due. Notwithstanding the date of mailing of the order adopting the proposed decision and order, such order shall be effective immediately following the last day permitted for filing a petition for review.

(4) Setting aside final order due to delayed postal delivery. If, after entry or mailing of the order adopting proposed decision and order, a petition for review or a request for extension of time to file a petition for review is received which bears evidence of mailing within the time permitted for filing such petition, the board will set aside the order adopting the proposed decision and order and consider the petition or request for extension as one timely filed.

WSR 86-03-023
PROPOSED RULES

BOARD OF INDUSTRIAL INSURANCE APPEALS
[Filed January 10, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Board of Industrial Insurance Appeals intends to adopt, amend, or repeal rules concerning rules of practice and procedure before the Board of Industrial Insurance Appeals, to wit: WAC 263-12-098.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on February 4, 1986.

The authority under which these rules are proposed is RCW 51.52.020.

The specific statute these rules are intended to implement is RCW 51.52.095.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before February 3, 1986.

This notice is connected to and continues the matter in Notice No. WSR 85-23-036 filed with the code reviser's office on November 15, 1985.

Dated: January 9, 1986
By: Phillip T. Bork
Board Member

WSR 86-03-024
ADOPTED RULES

DEPARTMENT OF LABOR AND INDUSTRIES
[Order 86-1—Filed January 10, 1986]

I, Richard A. Davis, director of the Department of Labor and Industries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to this order amends chapter 296-81 WAC, Safety rules governing existing elevators, dumbwaiters, escalators and other lifting devices—Moving walks, to adopt the American National Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks, ANSI/ASME A17.1-1984 to stay in conformity with the national safety standards. It also eliminates WAC 296-81-010 (4) and (5) which are obsolete, and an exception is added to WAC 296-81-260 since under Fire Emergency (ANSI/ASME A17.1-211.3a) the light ray is made inoperative, making this code redundant on new installations.

This action is taken pursuant to Notice No. WSR 85-23-050 filed with the code reviser on November 19, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.87.080, 70.87.090 and 70.87.100 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 10, 1986.
By Richard A. Davis
Director

AMENDATORY SECTION (Amending Order 84-21, filed 11/8/84)

✓ WAC 296-81-007 NATIONAL ELEVATOR CODE ADOPTED. (1) The American National Standard Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks, American National Standards Institute A17.1, as amended or revised through 1971, is adopted as the standards in this state for elevators, dumbwaiters, escalators, and moving walks installed from February 25, 1972, through June 30, 1982.

(2) The American National Standard Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks, ANSI A17.1, 1981 edition, is adopted as the standard for elevators, dumbwaiters, escalators, and moving walks installed on or after July 1, 1982 through January 9, 1986. This 1981 edition of ANSI A17.1 is supplemented by the ANSI A17.1a - 1982 supplement for elevators, dumbwaiters, escalators, and moving walks installed on or after March 1, 1984 through January 9, 1986. The 1981 edition of ANSI A17.1 and the 1982 edition of ANSI A17.1a is supplemented by the ANSI/ASME A17.1b - 1983 supplement for elevators, dumbwaiters, escalators, and moving walks installed on or after December 1, 1984, through January 9, 1986, with the exception of portable escalators that are covered by Part VIII of ANSI/ASME A17.1b - 1983.

(3) The American National Standard Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks, ANSI A17.1, 1984 edition is adopted as the standard for elevators, dumbwaiters, escalators, and moving walks installed on or after January 10, 1986. This 1984 edition to ANSI A17.1 is supplemented by the ANSI A17.1a - 1985 supplement for elevators, dumbwaiters, escalators, and moving walks installed on or after January 10, 1986, with the exception of ANSI A17.1, part XIX.

AMENDATORY SECTION (Amending Rules 1.010-1.050, filed 9/28/64)

✓ WAC 296-81-010 HOISTWAY ENCLOSURES. (1) Local laws and ordinances shall govern the fire-resistant requirements for the hatchway enclosures.

(2) Where doors and hoistway enclosures are not required to be fire resistant, the hoistway shall be enclosed with material, which may be solid or with openings that do not exceed one-half inch in diameter, to a height of six feet above each floor or landing and above the treads of adjacent stairways.

(3) Enclosures shall be so supported and braced as to deflect not over one inch when subjected to a force of one hundred pounds applied perpendicularly at any point. Adjacent to the counterweights, the enclosure must extend the full height of the floor and extend six inches past the counterweight raceway.

~~((4) The hoistway enclosures on the sides used for entrance and exit shall extend from the required landing opening to the underside of the floor above, except for~~

~~elevators equipped with car gates or doors provided with car door or gate electric contacts:~~

~~(5) Where an elevator does not have a car door and the sill projects inward from the general line of the hoistway, the projections which are opposite the car entrance (except door operating devices, interlocks, indicator and signal devices) shall be beveled on the under side or shall be guarded with a metal plate of not less than No. 16 U.S. gauge, or three quarter inch metal covered wood. The angle of such bevels of guard plates shall be not less than sixty degrees from the horizontal and not over seventy-five degrees, and they shall be smooth and firmly and permanently fastened to the hoistway enclosure.)~~

✓ **AMENDATORY SECTION** (Amending Order 82-18, filed 5/20/82)

WAC 296-81-260 PHOTO ELECTRIC OR ELECTRIC EYE DEVICES. An elevator equipped with a photo electric or electric eye device for reopening of the car and hoistway doors shall be provided with a means that will automatically bypass the light ray if obstruction of the light ray for approximately 20 seconds has prevented the doors from closing. The light ray shall not be reestablished until the doors have fully closed. Upon a sufficient showing of need by a hospital or a nursing home, the department may authorize an automatic bypass means that will cause the doors to close within 35 seconds after the expiration of the normal door open time. Exceptions: When smoke detectors are used to bypass photo electric or electric eye devices. In accordance with ANSI A17.1-211.3A.

WSR 86-03-025

ADOPTED RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Order 86-4—Filed January 10, 1986]

I, Richard A. Davis, director of the Department of Labor and Industries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to this order repeals chapter 296-83 WAC, electric manlifts, as these rules have been incorporated into ANSI/ASME A17.1, Part XV, Special Purpose Personnel Elevators, which has already been adopted, making this code redundant.

This action is taken pursuant to Notice No. WSR 85-23-055 filed with the code reviser on November 19, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.87.080, 70.87.090 and 70.87.100 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 10, 1986.

By Richard A. Davis
Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- ✓ WAC 296-83-010 SCOPE AND APPLICATION.
- ✓ WAC 296-83-015 WAIVER AND VARIANCE.
- ✓ WAC 296-83-020 HOISTWAY ENCLOSURES AND LANDINGS.
- ✓ WAC 296-83-025 HOISTWAY GATES.
- ✓ WAC 296-83-030 ELEVATOR CAR.
- ✓ WAC 296-83-035 ELEVATOR DOORS.
- ✓ WAC 296-83-040 COUNTERWEIGHT, ENCLOSURES AND FASTENINGS.
- ✓ WAC 296-83-045 GUIDE RAILS.
- ✓ WAC 296-83-050 HOISTING ROPES.
- ✓ WAC 296-83-055 SPACE UNDER HOISTWAY.
- ✓ WAC 296-83-060 CAR SAFETIES.
- ✓ WAC 296-83-065 BRAKES.
- ✓ WAC 296-83-070 CAR CONTROLS AND SAFETY DEVICES.
- ✓ WAC 296-83-075 HOISTING MACHINE MECHANISMS.
- ✓ WAC 296-83-080 ELEVATOR CAR AND COUNTERWEIGHT BUFFERS.
- ✓ WAC 296-83-085 GENERAL REQUIREMENTS.

WSR 86-03-026

ADOPTED RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Order 86-5—Filed January 10, 1986]

I, Richard A. Davis, director of the Department of Labor and Industries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to this order amends several sections of chapter 296-86 WAC, regulations and fees for freight and passenger elevators, manlifts, dumbwaiters, escalators, moving walks, automobile parking elevators, and personnel elevators. These rules set fees for the installation, operation and inspection of elevators, manlifts, dumbwaiters, escalators, moving walks, automobile parking elevators, and personnel elevators.

This action is taken pursuant to Notice No. WSR 85-23-058 filed with the code reviser on November 19, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.87.080, 70.87.090 and 70.87.100 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 10, 1986.
By Richard A. Davis
Director

AMENDATORY SECTION (Amending Order 82-18, filed 5/20/82)

✓ WAC 296-86-020 CONSTRUCTION AND ALTERATION FEE. The construction and alteration fee schedule shall be:

TOTAL COST	FEE
\$250.00 to and including \$1,000	\$ ((25.00)) 27.50
\$1,001 to and including \$15,000	
For first \$1,001	((35.00)) 38.50
For each additional \$1,000 or fraction	((7.00)) 7.70
\$15,001 to and including \$100,000	
For first \$15,001	((133.00)) 146.30
For each additional \$1,000 or fraction	((5.00)) 5.50
Over \$100,001	
For first \$100,001	((558.00)) 613.80
For each additional \$1,000 or fraction	((4.00)) 4.40

AMENDATORY SECTION (Amending Order 82-18, filed 5/20/82)

✓ WAC 296-86-030 INSTALLATION FEE FOR PERSONNEL ELEVATORS, MATERIAL HOISTS, AND CANTILEVER HOISTS. The fee for the installation of each personnel elevator, material hoist, and cantilever hoist shall be ~~((60.00))~~ \$90.00.

AMENDATORY SECTION (Amending Order 82-18, filed 5/20/82)

WAC 296-86-060 ANNUAL OPERATING PERMIT FEES. Fees for annual operation shall be paid in accordance with the following schedule and no operating permit shall be issued for the operation of a conveyance until such fees have been received.

CONVEYANCE	ANNUAL FEE
((Each passenger elevator	\$ 60.00
Each freight elevator	60.00))
Each hydraulic elevator	\$ 70.00
Each cable elevator	90.00
	plus \$7.00 for
	each hoistway opening
	in excess of two.
<u>Each cable elevator travel-</u>	
<u>ing more than 25 ft.</u>	10.00 for each 25 ft.
<u>without opening</u>	<u>of travel without openings.</u>
Each sidewalk freight elevator	((60.00)) 70.00
Each hand power freight elevator	((20.00))

CONVEYANCE	ANNUAL FEE
	45.00
Each hand power manlift	((26.00)) 45.00
Each incline lift	((60.00)) 70.00
Each belt manlift	((60.00)) 70.00
Each boat launching elevator	((60.00)) 70.00
Each auto parking elevator	((60.00)) 70.00
Each escalator	((52.00)) 70.00
Each moving walk	((52.00)) 70.00
Each dumbwaiter	((20.00)) 45.00
Each people mover	((45.00)) 60.00
Each stair lift	((13.00)) 45.00
Each wheel chair lift	((13.00)) 45.00
Each personnel elevator	((60.00)) 70.00
Each material hoist	((60.00)) 70.00
Each cantilever hoist	((60.00)) 70.00

AMENDATORY SECTION (Amending Order 82-18, filed 5/20/82)

✓ WAC 296-86-070 SUPPLEMENTAL INSPECTIONS. Any person, firm, corporation or governmental agency may secure supplemental inspections of conveyances by paying to the department a fee of ~~((235.00))~~ \$258.00 per day plus the standard per diem and mileage allowed by the department to its inspectors.

AMENDATORY SECTION (Amending Order 82-18, filed 5/20/82)

✓ WAC 296-86-075 REINSPECTION FEES. No fee shall be charged for the yearly inspection or for the initial inspection after installation or alteration. If, however, the conveyance does not meet the requirements of the department, and if another inspection is required to confirm compliance by the person having control over the conveyance with the regulations of the department, then an inspection fee of ~~((35))~~ \$70.00 per conveyance to be inspected shall be charged for the reinspection, and if there is still failure to comply with the rules of the department, a fee of ~~((40))~~ \$90.00 shall be charged for every conveyance requiring a further reinspection. These fees are in addition to the fees charged under WAC 296-86-020 and must be paid before issuance of an operating permit. The department may waive the reinspection fee where, through no fault of the requesting person or agency, or of the person or agency responsible for payment of the reinspection fee, reinspection is not.

possible; or for other reasons that in justice or equity obviate the necessity of payment of the reinspection fee.

WSR 86-03-027

ADOPTED RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Order 86-6—Filed January 10, 1986]

I, Richard A. Davis, director of the Department of Labor and Industries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to this order repeals chapter 296-88 WAC, safety rules for grain elevator operations, as these rules are in conflict with chapter 296-24 WAC, general safety and health standards, and do not pertain to the elevator section.

This action is taken pursuant to Notice No. WSR 85-23-051 filed with the code reviser on November 19, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 10, 1986.

By Richard A. Davis
Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- ✓ WAC 296-88-001 FOREWORD.
- ✓ WAC 296-88-010 SCOPE AND APPLICATION.
- ✓ WAC 296-88-020 PURPOSE.
- ✓ WAC 296-88-030 GENERAL REQUIREMENTS.
- ✓ WAC 296-88-040 ENTERING STORAGE TYPE BINS.
- ✓ WAC 296-88-050 ENTERING SILO TYPE BINS.
- ✓ WAC 296-88-060 INSPECTION OF SHOVEL EQUIPMENT.
- ✓ WAC 296-88-070 RAILROAD CAR SAFETY.
- ✓ WAC 296-88-080 MANLIFTS.
- ✓ WAC 296-88-090 FUMIGATION.
- ✓ WAC 296-88-100 INSECTICIDES AND DISINFECTANTS.
- ✓ WAC 296-88-110 STRUCTURAL REQUIREMENTS AND SAFEGUARDS.
- ✓ WAC 296-88-120 REFERENCE MATERIAL.
- ✓ WAC 296-88-130 GLOSSARY.

WSR 86-03-028

ADOPTED RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Order 86-7—Filed January 10, 1986]

I, Richard A. Davis, director of the Department of Labor and Industries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to this order repeals chapter 296-90 WAC, safety requirements for cantilever hoists. The amendment to chapter 296-100 WAC, safety requirements for material hoists will bring cantilever hoists into equal compliance with the Washington State Occupational Safety and Health Act.

This action is taken pursuant to Notice No. WSR 85-23-054 filed with the code reviser on November 19, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.87.080, 70.87.090 and 70.87.100 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 10, 1986.

By Richard A. Davis
Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- ✓ WAC 296-90-010 MATERIAL HOIST PLATFORMS.
- ✓ WAC 296-90-020 GUARD RAILS.
- ✓ WAC 296-90-030 TOWER CONSTRUCTION.
- ✓ WAC 296-90-040 HOISTING MACHINES.
- ✓ WAC 296-90-050 CAR PLATFORM ENCLOSURE.
- ✓ WAC 296-90-060 LANDING PLATFORMS.
- ✓ WAC 296-90-070 NO RIDER POSTING.
- ✓ WAC 296-90-080 MAINTENANCE, INSPECTION AND TEST PERIODS.
- ✓ WAC 296-90-090 COMPLIANCE WITH CODES.

WSR 86-03-029

ADOPTED RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Order 86-8—Filed January 10, 1986]

I, Richard A. Davis, director of the Department of Labor and Industries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to this order repeals chapter 296-92 WAC, safety rules governing wheelchair lifting devices, as these rules are incorporated into ANSI/ASME A17.1, Safety Code for Elevators and Escalators, Part XX, Inclined Stairway Chairlifts and Inclined and Vertical Wheelchair Lifts.

This action is taken pursuant to Notice No. WSR 85-23-056 filed with the code reviser on November 19, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.
APPROVED AND ADOPTED January 10, 1986.

By Richard A. Davis
Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- ✓ WAC 296-92-010 DEFINITIONS.
- ✓ WAC 296-92-020 LOCATION, TRAVEL AND SPEED.
- ✓ WAC 296-92-030 GUARDS AND RAMPS.
- ✓ WAC 296-92-040 SUPPORTS.
- ✓ WAC 296-92-050 FRAMES, PLATFORMS AND CAPACITY.
- ✓ WAC 296-92-060 CONTROLS AND ELECTRICAL EQUIPMENT.
- ✓ WAC 296-92-070 PUBLIC ASSEMBLY AND INSTITUTIONAL INSTALLATIONS.
- ✓ WAC 296-92-080 NONSKID SURFACING.
- ✓ WAC 296-92-090 INSTALLATION PERMITS AND ACCEPTANCE INSPECTIONS.
- ✓ WAC 296-92-100 SUBMISSION OF PLANS FOR INSTALLATION.
- ✓ WAC 296-92-110 OPERATION AND MAINTENANCE MANUALS.

WSR 86-03-030

ADOPTED RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Order 86-9—Filed January 10, 1986]

I, Richard A. Davis, director of the Department of Labor and Industries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to this order amends chapter 296-93 WAC, material lifts, to allow national manufacturers to make installations in the state of Washington without altering their equipment, and to at the same time ensure that safety will be maintained in the work place.

This action is taken pursuant to Notice No. WSR 85-23-052 filed with the code reviser on November 19, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.87.080, 70.87.090 and 70.87.100 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 10, 1986.

By Richard A. Davis
Director

AMENDATORY SECTION (Amending Order 84-7, filed 4/27/84)

✓ WAC 296-93-010 SCOPE. This chapter sets the requirements for construction, installation, and operation of material lifts. The purpose of this chapter is to allow certain conveyances that meet the definition of "elevator" in chapter 70.87 RCW, but that are designed solely to transport materials and equipment, to be constructed in accordance with standards less stringent and costly than those contained in ANSI A17.1. The standards contained in this chapter ensure, to the extent possible, that no persons will ride material lifts, and that persons working near the material lifts are free from dangers posed by the operation or failure of the material lifts.

"Material lift" means a fixed stationary conveyance that:

- (1) Has a car or platform that moves in guides;
- (2) Serves two or more floors or landings of a building or structure;
- (3) Has a vertical rise of at least five feet and no more than sixty feet;
- (4) Has a maximum speed of fifty feet per minute;
- (5) Is an isolated self-contained lift and is not a part of a conveying system;
- (6) Travels in an inclined or vertical, but not horizontal, direction;
- (7) Is operated only by, or under the direct supervision of an individual designated by the employer; and
- (8) Is installed in a commercial or industrial area, and not in an area that is open to access by the general public; and
- (9) Shall comply with chapter 296-24 WAC.

This chapter does not cover conveyances described in ANSI B20 that do not have a car or platform but instead are provided with rollers, belts, tracks, power conveyors, or similar carrying surfaces or means of loading.

AMENDATORY SECTION (Amending Order 84-7, filed 4/27/84)

✓ WAC 296-93-050 DRIVING MACHINES AND EQUIPMENT. A material hoist shall use a winding drum, traction, direct plunger, hydraulic, roped or chained hydraulic, rack and pinion, roller chain drive, scissors, or screw-type driving machine.

(1) Driving machines located overhead shall be secured to and supported on or from the top of overhead beams or floor. Suspension of a driving machine by hooks, cables, chains, or similar devices is prohibited.

(2) The diameter of drive sheaves for traction machines may not be less than thirty times the diameter of the hoisting cables. The diameter of all other sheaves of

a traction machine may be not less than twenty-one times the diameter of the hoisting cables.

~~((3)) The driving machine and hoisting equipment for each material lift shall be inside enclosures and accessible for maintenance. A safe means of access shall be provided to each material lift's driving machine and equipment.))~~

AMENDATORY SECTION (Amending Order 84-7, filed 4/27/84)

✓ WAC 296-93-070 CAR ENCLOSURES. A material lift car that serves more than one landing shall be enclosed with solid panels or openwork that will reject a two-inch ball. The enclosure must extend to a height of at least ~~((six feet))~~ forty-eight inches from the floor on each side on which there is no hoistway door or gate, except that on the side of the car that is next to the counterweight runway, the enclosure shall extend to the car top or underside of car crosshead and shall extend six inches on each side of the counterweight runway.

AMENDATORY SECTION (Amending Order 84-7, filed 4/27/84)

✓ WAC 296-93-120 CAR OPERATING AND TERMINAL STOPPING DEVICES AND ELECTRICAL PROTECTIVE DEVICES. (1) All devices that operate by electricity shall be enclosed.

~~(2) ((Phase reversal and failure protection. A material lift, other than a hydro electric material lift, that is powered by polyphase alternating current must have a means to prevent the starting of the material lift motor if the phase rotation is in the wrong direction, or any phase fails.~~

~~(3)) A material lift that is driven by a winding drum machine shall have a slack rope device with an enclosed electric switch, of the manually reset type, that will remove the electric power from the driving machine and brake if the hoisting ropes become slack.~~

AMENDATORY SECTION (Amending Order 84-7, filed 4/27/84)

✓ WAC 296-93-170 CONTROLS. (1) The control station shall be remotely mounted so that it is inaccessible from the material lift car.

(2) Controls shall be clearly marked or labeled to indicate the function of control.

(3) All control stations shall have a stop switch. When opened, the stop switch shall remove the electrical power from the driving machine and brake. The stop switch shall:

- (a) Be manually operated;
- (b) Have red operating handles or buttons;
- (c) Be conspicuously and permanently marked "STOP"; and
- (d) Indicate the stop and run position(~~(, and~~
- (e) ~~Be arranged to be locked in the open position)).~~

AMENDATORY SECTION (Amending Order 84-7, filed 4/27/84)

✓ WAC 296-93-200 ILLUMINATION OF ~~((PITS AND))~~ LANDINGS. ~~((1)) All pits shall have illumination of not less than five foot-candles at the pit floor.~~

~~(2)) All landings shall be illuminated.~~

AMENDATORY SECTION (Amending Order 84-7, filed 4/27/84)

✓ WAC 296-93-210 CAPACITY POSTING AND NO-RIDERS SIGN. (1) Each material lift shall have a capacity sign permanently and securely fastened in place in the material lift car and on the landings. The sign shall indicate the rated load of the material lift in pounds. The sign shall be metal with black letters two inches high on yellow background.

(2) A sign stating, "NO ~~((PERSONS PERMITTED TO RIDE THIS DEVICE,))~~ RIDERS" shall be conspicuously and securely posted on the landing side of all hoistway gates and doors and in the enclosure of each material lift car. The sign shall be metal with black letters two inches high on red background.

AMENDATORY SECTION (Amending Order 84-7, filed 4/27/84)

✓ WAC 296-93-220 ELECTRICAL WIRING. All electrical wiring, installations, and equipment in hoistways and machine rooms shall conform to the requirements of the 1984 edition of the National Electrical Code(~~(, including section 620 NEC. A material lift shall be provided with a single means of disconnecting all ungrounded main power connectors for each unit. The disconnecting means shall be an enclosed, externally operable fused motor circuit switch or circuit breaker arranged to be locked in the open position. No provision may be made to close this disconnecting means from any other part of the premises. The disconnecting means shall be located inside the controllers)).~~

AMENDATORY SECTION (Amending Order 84-7, filed 4/27/84)

✓ WAC 296-93-230 GUARDING OF EXPOSED EQUIPMENT. ~~((+))~~ Guards to protect against accidental contact shall be provided for gears, sprockets, sheaves, drums, ropes, and chains in machine rooms and machinery spaces in accordance with Washington Industrial Safety and Health Act standards. See WAC 296-24-150.

~~((2)) The machine room door shall be self-closing, and provided with a spring lock that permits the doors to be opened from inside without a key and that does not depend on a key or other device for locking. The door must be kept closed and locked except when an attendant is on duty in the machine room.))~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

✓ WAC 296-93-060 HYDRAULIC MATERIAL LIFTS.

- ✓ WAC 296-93-110 CAR DOORS AND GATES.
- ✓ WAC 296-93-130 STOP SWITCH.
- ✓ WAC 296-93-180 PIPES AND DUCTS.

WSR 86-03-032
ADOPTED RULES
DEPARTMENT OF LABOR AND INDUSTRIES
 [Order 86-11—Filed January 10, 1986]

WSR 86-03-031
ADOPTED RULES
DEPARTMENT OF LABOR AND INDUSTRIES
 [Order 86-10—Filed January 10, 1986]

I, Richard A. Davis, director of the Department of Labor and Industries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to this order amends chapter 296-100 WAC, safety requirements for material hoists, to define the scope, and to incorporate the national standards for material hoists used temporarily on construction sites.

This action is taken pursuant to Notice No. WSR 85-23-057 filed with the code reviser on November 19, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.87.080, 70.87.090 and 70.87.100 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 10, 1986.

By Richard A. Davis
 Director

NEW SECTION

✓ WAC 296-100-001 SCOPE. This standard applies to the design, construction, installation, operation, inspection, testing, maintenance, alterations, and repair of material hoists used to raise or lower materials during construction, alteration, or demolition. It is not applicable to the temporary use of permanently installed personnel elevators as material hoists.

NEW SECTION

✓ WAC 296-100-050 CAPACITY PLATE. Rated load capacities, recommended operating speeds, and special hazard warning or instructions shall be posted on cars and platforms.

NEW SECTION

✓ WAC 296-100-060 SAFETY REQUIREMENTS FOR MATERIAL HOISTS. All material hoists shall conform to the requirements of ANSI A10.5-1981.

I, Richard A. Davis, director of the Department of Labor and Industries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to this order adopts chapter 296-94 WAC, safety rules governing the construction, operation, maintenance and inspection of inclined passenger lifts for private use. This code provides rules for the installation inspection of inclined lifts on private property.

This action is taken pursuant to Notice No. WSR 85-23-059 filed with the code reviser on November 19, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.87.080, 70.87.090 and 70.87.100 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 10, 1986.

By Richard A. Davis
 Director

Chapter 296-94 WAC
SAFETY RULES GOVERNING THE CONSTRUCTION, OPERATION, MAINTENANCE AND INSPECTION OF INCLINED PASSENGER LIFTS FOR PRIVATE USE

WAC

- 296-94-010 Scope.
- 296-94-020 Definitions.
- 296-94-030 Approval of plans and specifications.
- 296-94-040 Protection required.
- 296-94-050 Landing enclosures and gates—Where required.
- 296-94-060 Bumpers and buffers.
- 296-94-070 Machinery beams and supports.
- 296-94-080 Platform area and rated load.
- 296-94-090 Rated speed.
- 296-94-100 Car and chassis construction.
- 296-94-110 Car enclosures.
- 296-94-120 Car doors or gates.
- 296-94-130 Use of glass and plastics.
- 296-94-140 Data plates.
- 296-94-150 Guide and track supports and fastenings.
- 296-94-160 Counterweight guiding and construction.
- 296-94-170 Car safeties and governors.
- 296-94-180 Driving machines and sheaves.
- 296-94-190 Terminal stopping switches.
- 296-94-200 Operation.
- 296-94-210 Suspension means.
- 296-94-220 Traveling cable(s).
- 296-94-230 Electric wiring.

- 296-94-240 Track(s)/Guide(s) supporting structure.
 296-94-250 Means of egress.

NEW SECTION

✓ WAC 296-94-010 SCOPE. These regulations apply to the construction, operation, maintenance, and inspection of all inclined passenger lifts for private use installed in the state of Washington.

NEW SECTION

✓ WAC 296-94-020 DEFINITIONS. (1) "Inclined passenger lift" means a device constructed and operated for transporting persons from one elevation to another and consisting essentially of a car or platform traveling on guide rails in an inclined plane. For the purpose of these rules, the terms "inclined passenger lifts" shall have the same meaning as the terms "passenger elevator" as defined by RCW 70.87.010 (4)(a).

(2) Devices installed indoors on stairways and utilizing chairs for carrying passengers are not considered as being inclined passenger lifts insofar as these regulations are concerned.

(3) "Enforcing authority" means the division of building and construction safety inspection services of the department of labor and industries.

NEW SECTION

✓ WAC 296-94-030 APPROVAL OF PLANS AND SPECIFICATIONS. (1) Before commencing construction of any inclined passenger lift the owner shall submit complete plans and specifications to the enforcing authority for approval.

(2) Plans and specifications covering the installation of an inclined passenger lift shall be endorsed by a professional engineer before approval by the enforcing authority will be considered.

NEW SECTION

✓ WAC 296-94-040 PROTECTION REQUIRED. If the car sides extend less than six feet above the floor of the car, there shall be no obstruction along the runway with the arc with a twenty-four inch radius whose center is the outer corner of the top rail of the car enclosure.

EXCEPTION: When solid guards are installed on the obstruction in both directions of travel which project at least fourteen inches in line with the direction of travel, the running clearance may be reduced to seven inches. The exposed edge of the guard shall be rounded to eliminate shear hazards.

NEW SECTION

✓ WAC 296-94-050 LANDING ENCLOSURES AND GATES—WHERE REQUIRED. (1) Landing enclosures. Where a landing platform is provided or if a portion of an existing structure is used as a landing

platform, it shall be protected by a railing no less than forty-two inches high.

(2) Landing gates. The opening in the railing shall be guarded by a gate to a height equal to that of the railing. The gates may be of the horizontally sliding or swing type and shall be equipped with a lock and an electrical contact to prevent movement of the car with a gate open.

NEW SECTION

✓ WAC 296-94-060 BUMPERS AND BUFFERS.

(1) Solid bumpers. For rated speeds not exceeding fifty feet per minute, if spring or equivalent type buffers are not used, solid bumpers shall be installed.

(2) Construction and requirements for solid bumpers. Solid bumpers shall be made of wood or other suitable resilient material of sufficient strength to withstand without failure the impact of the car with rated load or the counterweight, descending at one hundred fifteen percent of the rated speed. The material used shall be of a type which will resist deterioration or be so treated as to resist deterioration.

(3) Spring buffers. For speeds exceeding fifty feet per minute buffers of the spring type shall be installed.

(4) Construction and requirements for spring buffers. Spring buffers shall be constructed so as to have a minimum stroke of three-quarters of an inch and a maximum stroke of one and one-half inches and shall not be fully compressed when struck by the car with its rated load or counterweight traveling at one hundred fifteen percent of the rated speed.

NEW SECTION

✓ WAC 296-94-070 MACHINERY BEAMS AND SUPPORTS. (1) Securing of machinery beams and type of supports. All machinery and sheaves shall be so supported and secured as to effectually prevent any part becoming loose or displaced. Beams directly supporting machinery shall be of steel or sound timber or reinforced concrete.

(2) Loads on beams and supports. Loads on beams and their supports shall be computed as follows:

(a) The total load on the beams shall be equal to the weight of all apparatus resting on the beams plus twice the maximum load suspended from the beams.

(b) The load resting on the beams shall include the complete weights of the driving machine, sheaves, controller, etc.

(c) The load suspended from the beams shall include the sum of the tensions in all ropes suspended from the beams.

(3) Fastening of driving machines and sheaves to underside of beams. The elevator driving machine or sheaves shall not be fastened to the underside of the supporting beams at the top of the hoistway.

EXCEPTION: Idlers or deflecting sheaves with their guards and frames. Cast iron in tension shall not be used for supporting members for sheaves where they are hung beneath beams.

(4) Factor of safety of beams and supports. The factor of safety for beams and their supports shall be not less than:

- For steel 5
- For timber and reinforced concrete 6

NEW SECTION

✓WAC 296-94-080 PLATFORM AREA AND RATED LOAD. (1) Rated load. The rated load shall not exceed seven hundred pounds.

(2) Platform area. The inside net platform area shall not exceed twelve square feet.

EXCEPTION: The net platform area may be increased by not more than three square feet provided that shelves or benches permanently affixed to the car structure reduce the standing area to twelve square feet.

NEW SECTION

✓WAC 296-94-090 RATED SPEED. The rated speed measured along the incline shall not exceed seventy-five feet per minute.

NEW SECTION

✓WAC 296-94-100 CAR AND CHASSIS CONSTRUCTION. (1) Car and platform. Inclined lift cars shall have metal or combination metal and wood, or other materials of equal strength, frames and platforms. Car frames and platforms shall have a factor of safety of not less than five based on the rated load, all suitably prepared and/or protected for exposure to the weather.

(2) Chassis construction. Inclined lift chassis shall be constructed of metal, except for guiding members. Chassis shall have a factor of safety of not less than five, based on the rated load. The chassis guiding members shall be retained and/or enclosed in guide(s)/track(s) in such a manner that the chassis cannot be derailed.

(3) Use of cast iron. Cast iron shall not be used in the construction of any member of the car frame or chassis.

(4) Number of compartments. The car shall not have more than one compartment.

NEW SECTION

✓WAC 296-94-110 CAR ENCLOSURES. (1) Enclosures required. Except at the entrance, cars shall be enclosed on all sides to a height of not less than forty-two inches. The enclosure material will be of a design that will reject a ball one and one-half inches in diameter.

(2) Securing of enclosures. The enclosure shall be securely fastened to the car platform and so supported that it cannot loosen or become displaced in ordinary service or on the application of the car safety or on buffer engagement.

(3) Deflection of enclosure walls. The enclosure walls shall be of such strength and so designed and supported that when subjected to a pressure of seventy-five pounds applied horizontally at any point on the walls of the enclosure, the deflection will not reduce the running clearance below three-quarter inch, nor to exceed one inch.

NEW SECTION

✓WAC 296-94-120 CAR DOORS OR GATES. (1) Doors or gates required. A car door or gate which, when closed, will guard the opening to a height of at least forty-two inches, shall be provided at each entrance to the car. Car doors may be of solid or openwork construction which will reject a ball three inches in diameter.

(2) Door or gate electric contacts. Car doors or gates shall be provided with an electric contact which will prevent operation of the elevator by the operating device unless the car door or gate is within two inches of full closure.

(3) Manual operation. Car doors or gates shall be manually operated.

(4) Latching of swing gate. If the car gate is of the swing type opening outward from the car, the contact in WAC 296-94-140 shall not make until the gate is securely latched.

NEW SECTION

✓WAC 296-94-130 USE OF GLASS AND PLASTICS. (1) Tempered safety glass and plastics. Tempered safety glass and plastics conforming to the requirements of subsection (2) of this section may be used.

(2) Weather resistant plastics. Plastics shall be of a weather resistant type.

NEW SECTION

✓WAC 296-94-140 DATA PLATES. (1) Capacity plates. A weather resistant capacity plate shall be provided by the manufacturer and fastened in a conspicuous place in the car stating the rated load in pounds, letters, and figures not less than one-fourth inch.

(2) Data plates. A metal data plate shall be provided by the manufacturer stating the weight of the car, speed, suspension means data, manufacturer's name, and the date of installation. It shall be fastened in a conspicuous place in the machine area.

NEW SECTION

✓WAC 296-94-150 GUIDE AND TRACK SUPPORTS AND FASTENINGS. (1) Material. Guide rails, guide rail brackets, splice plates, and their fastenings shall be of steel or other metals conforming to the requirements of this section.

(2) Stresses and deflections. The guide rail brackets, their fastenings and supports, shall be capable of resisting the horizontal forces imposed by loading with a total deflection at the point of support not in excess of one-eighth inch. The guide rails shall not deflect in any direction more than one-fourth inch measured at the midpoint between brackets.

(3) Overall length of guide rails or tracks. The top and bottom ends of each run of guide rail shall be so located in relation to the extreme positions of travel of the car and counterweight that the car and counterweight guiding members cannot travel beyond the ends of the guide rails.

NEW SECTION

✓ WAC 296-94-160 COUNTERWEIGHT GUIDING AND CONSTRUCTION. (1) Guiding. Counterweights, where used, shall be in a guide or track.

(2) Construction. Counterweights shall not be of sufficient weight to cause undue slackening of any car hoisting rope or chain during acceleration or retardation of the car. Counterweight weight section shall be mounted in structural or formed metal frames so designed as to retain weights securely in place.

EXCEPTION: Counterweights may be constructed of a single metal plate.

NEW SECTION

✓ WAC 296-94-170 CAR SAFETIES AND GOVERNORS. (1) Where required. All inclined lifts shall be provided with a safety capable of stopping and sustaining the car with rated load.

(2) Operation of car safeties. The car safety shall be of the type A or B and operated by a speed governor. The governor shall operate to set the safety at a maximum speed of one hundred forty percent of rated speed and on breakage of the hoisting ropes, the safety shall operate without appreciable delay and independently of the governor speed action.

(3) Location of speed governor. Where a speed governor is used, it shall be located where it cannot be struck by the car or counterweight in case of overtravel and where there is sufficient space for full movement of the governor parts and where it is accessible for examination.

(4) Opening of brake and motor control circuits on safety application. The motor-control circuit and the brake-control circuit shall be opened before or at the time the safety applies.

(5) Governor ropes. The governor ropes, where used, shall be of iron, steel, monel metal, or phosphor bronze not less than one-quarter inch in diameter. Tiller-rope construction shall not be used.

(6) Slack-rope and slack-chain devices for winding-drum and roller-chain type driving machines. Inclined lifts of the winding-drum type with rope suspension shall be provided with a slack-rope device of the manually reset type which will remove the power from the motor and brake if the car is obstructed in its descent and the hoisting ropes slacken.

Inclined lifts with roller-chain suspension shall be provided with a slack-chain device which will remove the power from the motor and brake if the car is obstructed in its descent and the hoisting chains slacken. This device need not be of the manually reset type if the chain sprockets are guarded to prevent the chain from jumping off the sprockets.

(7) Application of car safety. A car safety device which depends upon the completion or maintenance of an electric circuit for the application of the safety shall not be used. Car safeties shall be applied mechanically.

(8) Use of cast iron in car safeties. Cast iron shall not be used in the construction of any part of a car safety the breakage of which would result in failure of the safety to function to stop and sustain the car.

(9) Car safety tests. A test of the car safety shall be made with rated load in the car before the inclined lift is put into service. Governor operation of instantaneous-type safeties shall be tested at rated speed by tripping the governor by hand. Where speed governors are located on the car or chassis, testing shall be performed by obtaining sufficient slack rope and dropping the car.

NEW SECTION

✓ WAC 296-94-180 DRIVING MACHINES AND SHEAVES. (1) Materials for drums and sheaves and minimum diameter. Winding drums, traction sheaves, and overhead and deflecting sheaves shall be of cast iron or steel, of a diameter of not less than thirty times the diameter of the wire hoisting ropes. The rope grooves shall be machined.

EXCEPTION: Where 8 x 19 steel ropes are used, the diameter of drums and sheaves may be reduced to twenty-one times the diameter of the rope.

(2) Factor of safety. The factor of safety, based on the static load (the rated load plus the weight of the car, ropes, counterweights, etc.) to be used in the design of driving machines and sheaves shall be not less than:

(a) Eight for wrought iron and steel;

(b) Ten for cast iron, cast steel, and other material.

(3) Set-screw fastenings. Set-screw fastenings shall not be used in lieu of keys or pins if the connection is subject to torque or tension.

(4) Friction gear, clutch mechanism, or coupling. Friction gear, clutch mechanism, or coupling shall not be used for connecting the drum or sheaves to the main driving gear.

(5) Use of cast iron in gears. Worm gearing having cast iron teeth shall not be used.

(6) Driving machine brakes. Driving machines shall be equipped with electrically released spring-applied brakes.

(7) Operation of brake. A single ground or short circuit, a counter-voltage, or a motor field discharge shall not prevent the brake magnet from allowing the brake to set when the operating device is placed in the stop position.

(8) Location of driving machine, alignment, and guarding of sheaves. The driving machine may be mounted on the car chassis or placed at a remote location. If remotely located, all intervening sheaves or sprockets shall be placed to ensure rope or chain travels in proper alignment. All sheaves or sprockets shall be guarded.

(9) Driving-machine roller-chain sprockets. Driving-machine roller-chain sprockets shall be steel and shall conform in all particulars of design and dimensions to ANSI B29.1-1963, Transmission Roller Chains and Sprocket Teeth.

(10) Screw machines. Screw machines shall not be used.

(11) Hydraulic driving machines. Hydraulic driving machines, where used, shall conform to ANSI A17.1. Roped hydraulic machines may be used.

NEW SECTION

✓ WAC 296-94-190 **TERMINAL STOPPING SWITCHES.** (1) Terminal stopping switches. Upper and lower normal terminal stopping switches, operated by the chassis, shall be provided and set to stop the chassis at normal top and bottom terminals of travel.

(2) Final stopping switches. Final terminal stopping switches, operated by the chassis, shall be provided and set to stop the chassis should it overtravel the normal terminals.

(3) Slack cable switches. On winding drum machines, a slack cable switch may be used in lieu of a bottom final terminal switch.

(4) Operation of stopping devices. The final terminal stopping device shall act to prevent the movement of the chassis in both directions of travel. The normal and final terminal stopping devices shall not control the same switches on the controller unless two or more separate and independent switches are provided, two of which shall be closed to complete the motor and brake circuits in each direction of travel.

NEW SECTION

✓ WAC 296-94-200 **OPERATION.** (1) Type of operation. The incline lift shall be operated by constant pressure or momentary pressure key switches at each landing and on the car. Key-operated switches shall be of the spring return type and shall be operated by a cylinder type lock having not less than five pin or five disc combination with the key removable only when the switch is in the off position and shall be weatherproof.

(2) Emergency stop switches in cars. An emergency stop switch shall be provided on or adjacent to the car operating panel. Stop switches shall be of the manually opened and manually closed type with red handles or buttons and conspicuously marked "STOP". Where springs are used, their failure shall not prevent opening of the switch.

(3) Control and operating circuit requirements. The design and installation of the control and operating circuits shall conform to the following:

(a) Control systems which depend on the completion or maintenance of an electric circuit shall not be used for:

(i) Interruption of the power and application of the machine brake at the terminals;

(ii) Stopping of the car when the emergency stop switch in the car is opened or any of the electrical protective devices operate;

(iii) Stopping the machine when the safety applies.

(b) If springs are used to actuate switches, contactors, or relays to break the circuit to stop an elevator at the terminal, they shall be of the restrained compression type.

(4) Hand rope operation. Hand rope operation shall not be used.

NEW SECTION

✓ WAC 296-94-210 **SUSPENSION MEANS.** (1) Types permitted. Where the chassis is suspended from

the driving machine by a wire rope or roller chain, a single suspension means may be used. The suspension means shall be any one of the following:

(a) Steel elevator wire rope;

(b) Steel aircraft cable;

(c) Roller chain conforming to ANSI Transmission Roller Chains and Sprocket Teeth.

(2) Types prohibited. Steel tapes shall not be used as suspension means.

(3) Minimum diameter of suspension means. The diameter of hoist rope(s) or cable(s) shall not be less than the following:

(a) One-quarter inch for elevator wire rope;

(b) Three-sixteenth inch for galvanized aircraft cable.

(4) Factor of safety of suspension means. The suspension means shall have a factor of safety of not less than eight based on the tension on the rope(s) or chain(s) when raising the carriage and its rated load. In no case shall the rated breaking strength of the rope(s) or chain(s) be less than four thousand pounds.

(5) Arc of contact of suspension means on sheaves and sprockets. The arc of contact of a wire rope on a traction sheave shall be sufficient to produce adequate traction under all load conditions. The arc of contact of a chain with a driving sprocket shall be not less than one hundred forty degrees.

(6) Idle turns of ropes on winding drums. All wire ropes anchored to a winding drum shall have not less than one full turn of rope on the drum when the car or counterweight has reached its limit of possible overtravel.

(7) Lengthening, splicing, repairing, or replacing suspension means. No car or counterweight wire rope shall be lengthened or repaired by splicing broken or worn suspension chains shall not be repaired. If one wire rope or a chain of a set is worn or damaged and requires replacement, the entire set of ropes or chains shall be replaced. In the event that a worn chain is replaced, the drive sprocket shall also be replaced.

(8) Securing ends of suspension ropes in winding drums. The winding-drum ends of car and counterweight wire ropes shall be secured by clamps on the inside of the drum or by one of the methods specified in subsection (9) of this section for fastening wire ropes to car or counterweight.

(9) Fastening of rope suspension means to cars and counterweights. The car or counterweight ends of wire ropes shall be fastened by return loop, by properly made individual tapered babbitted sockets or by properly attached fittings as recommended by wire rope manufacturers. Clamps of the U-bolt type shall not be used.

Tapered babbitted rope sockets and the method of babbitting shall conform to the requirements of ANSI A17.1. The diameter of the hole in the small end of the socket shall not exceed the nominal diameter of the rope by more than three thirty-seconds of an inch.

NEW SECTION

✓ WAC 296-94-220 **TRAVELING CABLE(S).** All traveling cable(s) shall be Type SO or ETT and shall conform to the requirements of the National Electrical

Code ANSI CI-1975. Where circuits through the traveling cable(s) exceed thirty volts, a means will be provided to remove the power automatically upon parting of the traveling cable.

NEW SECTION

✓ WAC 296-94-230 **ELECTRIC WIRING.** (1) Wiring requirements. All wiring shall conform to the requirements of the National Electrical Code.

(2) Electrical connections. If the driving machine is mounted on the car chassis, electrical connections between the car and power source is to be provided with a means to remove power should connecting traveling cable part. All electrical connections to the moving chassis and the stationary connections shall be insulated flexible conductors, in accordance with the National Electrical Code article six hundred and twenty on elevators.

NEW SECTION

✓ WAC 296-94-240 **TRACK(S)/GUIDE(S) SUPPORTING STRUCTURE.** All supporting structures shall meet the local building codes.

NEW SECTION

✓ WAC 296-94-250 **MEANS OF EGRESS.** (1) Hand crank. A hand crank capable of moving the car in accordance with ANSI A17.1 shall be provided.

(2) Brake release. The machine brake shall be provided with a lever to release the brake allowing use of the hand crank.

WSR 86-03-033

ADOPTED RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Order 86-12—Filed January 10, 1986]

I, Richard A. Davis, director of the Department of Labor and Industries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to this order amends chapter 296-87 WAC, safety requirements for workmen's construction elevators, to define the scope, and to incorporate the national standards for workmen's construction elevators used temporarily on construction sites.

This action is taken pursuant to Notice No. WSR 85-23-053 filed with the code reviser on November 19, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.87.080, 70.87.090 and 70.87.100 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 10, 1986.

By Richard A. Davis
Director

NEW SECTION

✓ WAC 296-87-001 **SCOPE.** This standard applies to the design, construction, installation, operation, inspection, testing, maintenance, alterations, and repair of structures and hoists which are not a permanent part of the buildings, are installed inside or outside buildings during construction, alteration, or demolition, and are used to raise and lower workers and other persons connected with, or related to, the building project. The hoist may also be used for transportation of materials.

This standard shall not apply to the following:

(1) Temporary elevators installed in the hoistways during the construction of buildings and incorporating a part of the permanent elevator to be installed later.

(2) Hoists for raising and lowering materials with no provision for carrying personnel.

(3) Manlifts, counterbalanced or endless-belt type.

(4) Mine hoists.

(5) Wire-rope-guided and nonguided hoists.

AMENDATORY SECTION (Amending Order 70-11, filed 9/18/70, effective 10/21/70)

✓ WAC 296-87-020 **GUIDE RAIL BRACKETS AND BUILDING SUPPORTS.** The building construction forming the supports for the guide rails and guide rail brackets shall be of such a design as to:

(1) Safely withstand the application of the car or counterweight safety when stopping the car and its rated load or the counterweight.

(2) Withstand the forces imposed by the class of loading. Where necessary the building construction shall be reinforced to provide adequate support for the guide rails.

(3) Each elevator tower shall be anchored to the building at not to exceed ((thirty)) twenty-five foot vertical intervals, or if guy wires are used, such guys shall be not less than one-half inch wire rope and terminal fastening be tagged **PERSONNEL ELEVATOR—DO NOT REMOVE.**

AMENDATORY SECTION (Amending Order 70-11, filed 9/18/70, effective 10/21/70)

✓ WAC 296-87-040 **HOISTWAY DOORS.** (1) For hoistways or towers located inside of buildings the hoistway door shall guard the full height and width of the openings, and shall be so constructed as to withstand one hundred pounds applied at right angles to the center of the door without causing the door to break or be permanently deformed. Each hoistway door shall be equipped with an approved combination of electric contact and mechanical lock.

(2) For hoistways or towers located outside of buildings the hoistway door shall be not less than six feet six inches in height and shall protect the full width of the opening and shall be of strength and design conforming to the hoistway construction. Each hoistway door shall

be equipped with an approved combination of electric contact and mechanical lock.

(3) An elevator shall not serve any landing that is not provided with a hoistway door.

AMENDATORY SECTION (Amending Order 70-11, filed 9/18/70, effective 10/21/70)

✓ WAC 296-87-060 CAR OPERATING AND TERMINAL STOPPING DEVICES AND ELECTRICAL PROTECTIVE DEVICES. (1) The operation shall be by car switch or constant pressure push button and shall be so arranged that the elevator car can be operated from within the car only. It shall also be equipped with an emergency stop switch located within or adjacent to the car operating panel.

(2) The travel control cable shall be attached from within the hoistway and securely fastened to the car. The control cable can be of the suspended type, retractable type, or coiled in a suitable container at the base of the tower.

(3) Terminal and final limits switches shall be installed at the upper and lower landings. These may be mounted on the car or in the hoistway operated by cams attached to the car or in the hoistway.

(4) Phase reversal and failure protection. Elevators having polyphase alternating current power supply shall be provided with means to prevent the starting of the elevator motor if,

- (a) The phase rotation is in the wrong direction, or
- (b) There is a failure of any phase.

(5) Main Line Contactor. A contactor shall be installed in addition to the direction switches which will cut off main line current to the motor and apply the brake when any of the final terminal stopping devices operate.

(6) A fused disconnect switch of adequate size shall be installed and connected into the power supply line to the controller and be accessible at the lower terminal landing.

(7) Where the hoistway is exposed to the weather the electrical control equipment, fixtures and switches shall be weatherproof.

(8) Machinery and control equipment shall be protected from the weather, falling debris and from access by unauthorized persons. Spaces containing elevator driving machine and control equipment shall be provided with adequate lighting.

(9) All electric elevators shall be equipped with effective brakes that are released electrically and applied by springs. The brakes shall be designed to have a capacity sufficient to hold the car at rest with its rated load, and shall be mounted on the main driving shaft of the machine.

(10) The maximum speed allowable shall be three hundred feet per minute.

(11) Internal combustion engines shall not be permitted for direct drive.

AMENDATORY SECTION (Amending Order 70-11, filed 9/18/70, effective 10/21/70)

✓ WAC 296-87-080 ROPES, ROPE CONNECTIONS, DATA AND RECORD. (1) Elevator cars shall be of the ((tractor)) traction drive type suspended by steel wire ropes or approved rack and gear. If wire ropes are used, only iron (low carbon steel) or steel wire ropes with fibre cores, having the commercial classification of "elevator wire rope," shall be used for the suspension of elevator cars and for the suspension of counterweights.

(2) The minimum number of hoisting ropes used shall be three.

(3) Hoisting and counterweight wire ropes may be attached to cars and counterweights by means of approved clamps and wire rope thimbles or by approved special fastening devices. Where clamps are used, the fastening shall conform to the following:

- (a) Clamps shall not be of the U-bolt type.
- (b) Both members of the clamps shall be provided with seats conforming to the lay of the rope.
- (c) Clamps shall be drop forgings.

(d) The ropes to be clamped shall be passed around metal thimbles having not less than the following dimensions and fastened by at least the number of clamps specified with not less than the spacing indicated in the following table.

Dia. of Wire Rope	Inside Width of Thimble	Length of Thimble In.	Min. No. of Clamps	Min. Spacing of Clamps
1/2	1 1/2	2 3/4	3	3
5/8	1 3/4	3 1/4	3	3 3/4
3/4	2	3 3/4	4	4 1/2
7/8	2 1/4	4 1/4	4	5 1/4
1	2 1/2	4 1/2	4	6

(4) Wire rope shall be taken out of service when any of the following conditions exist:

(a) In running ropes, six randomly distributed broken wires in one lay or three broken wires in one strand in one lay;

(b) Wear of one-third the original diameter of outside individual wires. Kinking, crushing, bird caging, or any other damage resulting in distortion of the rope structure;

(c) Evidence of any heat damage from any cause;

(d) Reductions from nominal diameter of more than three sixty-fourths inch for diameters to and including three-fourths inch, one sixteenth inch for diameter seven-eighths inch to one and one-eighth inches inclusive, three thirty-seconds inch for diameters one and one-fourth to one and one-half inches inclusive; and

(e) In standing ropes, more than two broken wires in one lay in sections beyond end connections or more than one broken wire at an end connection.

AMENDATORY SECTION (Amending Order 70-11, filed 9/18/70, effective 10/21/70)

✓ WAC 296-87-120 MAINTENANCE INSPECTION AND TEST PERIODS. (1) A full load over-speed safety test shall be performed before the elevator

is put into operation and each time the elevator is moved to a new location a full load overspeed test and inspection shall be mandatory and approved by a state inspector.

(2) Periodic maintenance shall be made by an experienced elevator mechanic at not more than thirty days, or thirty shifts, whichever occurs first. Once each shift the equipment shall be inspected by the operator to determine that the equipment is in a proper operating condition. The erection and dismantling of any personnel elevator shall be under the direct supervision of a person experienced in this type of work.

(3) Following assembly and erection of hoists, and before being put in service, an inspection and test of all functions and safety devices shall be made under the supervision of a competent person. A similar inspection and test is required following major alteration of an existing installation. All hoists shall be inspected and tested at not more than three-month intervals. Records shall be maintained and kept on file for the duration of the job.

(4) All personnel hoists used by employees shall be constructed of materials and components which meet the specifications for materials, construction, safety devices, assembly, and structural integrity as stated in the American National Standard A10.4-1981, Safety Requirements for Workmen's Hoists.

WSR 86-03-034

ADOPTED RULES

DEPARTMENT OF ECOLOGY

[Order 85-87—Filed January 10, 1986]

I, Phillip C. Johnson, deputy director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to minimum functional standards for solid waste handling, repealing chapter 173-301 WAC.

This action is taken pursuant to Notice No. WSR 85-24-030 filed with the code reviser on November 27, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 43.21A RCW which directs that the Department of Ecology has authority to implement the provisions of chapter 70.95 RCW.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 10, 1986.

By Phillip C. Johnson
Deputy Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- ✓ WAC 173-301-100 AUTHORITY AND PURPOSE.
- ✓ WAC 173-301-101 OTHER AGENCIES.
- ✓ WAC 173-301-105 EFFECTS ON POLLUTION, PUBLIC HEALTH AND SAFETY.
- ✓ WAC 173-301-110 DEFINITIONS.
- ✓ WAC 173-301-120 SOLID WASTE STORAGE.
- ✓ WAC 173-301-121 SOLID WASTE STORAGE—GARBAGE.
- ✓ WAC 173-301-122 SOLID WASTE STORAGE—LIGHT MATERIAL.
- ✓ WAC 173-301-123 SOLID WASTE STORAGE—HAZARDOUS WASTES.
- ✓ WAC 173-301-124 SOLID WASTE STORAGE—AGRICULTURAL WASTES.
- ✓ WAC 173-301-125 SOLID WASTE STORAGE—PROBLEM WASTES.
- ✓ WAC 173-301-126 SOLID WASTE STORAGE—STORAGE AREAS AND CONTAINERS.
- ✓ WAC 173-301-140 COLLECTION AND TRANSPORTATION.
- ✓ WAC 173-301-141 COLLECTION AND TRANSPORTATION—PREVENTION OF NUISANCES.
- ✓ WAC 173-301-142 COLLECTION AND TRANSPORTATION—VEHICLE CONSTRUCTION.
- ✓ WAC 173-301-143 COLLECTION AND TRANSPORTATION—VEHICLE SPILLAGE.
- ✓ WAC 173-301-150 TRANSFER STATION.
- ✓ WAC 173-301-151 TRANSFER STATION—APPLICATION AND PLANS.
- ✓ WAC 173-301-152 TRANSFER STATION—ARCHITECTURE AND LANDSCAPING.
- ✓ WAC 173-301-153 TRANSFER STATION—POLLUTION CONTROL AND CLEANLINESS.
- ✓ WAC 173-301-154 TRANSFER STATION—ROADS.
- ✓ WAC 173-301-155 TRANSFER STATION—IDENTIFICATION.
- ✓ WAC 173-301-156 TRANSFER STATION—FIRE PROTECTION.
- ✓ WAC 173-301-157 TRANSFER STATION—COMMUNICATIONS.
- ✓ WAC 173-301-158 TRANSFER STATION—EMPLOYEE FACILITIES.
- ✓ WAC 173-301-159 TRANSFER STATION—ATTENDANT.
- ✓ WAC 173-301-160 TRANSFER STATION—SAFETY.
- ✓ WAC 173-301-161 TRANSFER STATION—VECTOR CONTROL.
- ✓ WAC 173-301-162 TRANSFER STATION—RECORDS.
- ✓ WAC 173-301-163 TRANSFER STATION—CONFINED TIPPING.
- ✓ WAC 173-301-164 TRANSFER STATION—SCAVENGING.
- ✓ WAC 173-301-180 SOLID WASTE DISPOSAL SITE.
- ✓ WAC 173-301-181 SOLID WASTE DISPOSAL SITE—APPLICATION AND PLANS.

- ✓WAC 173-301-182 SOLID WASTE DISPOSAL SITE—DISPOSAL SITE DESIGN, ARCHITECTURE AND LANDSCAPING.
- ✓WAC 173-301-183 SOLID WASTE DISPOSAL SITE—POLLUTION CONTROL.
- ✓WAC 173-301-184 SOLID WASTE DISPOSAL SITE—ROADS.
- ✓WAC 173-301-185 SOLID WASTE DISPOSAL SITE—GATE.
- ✓WAC 173-301-186 SOLID WASTE DISPOSAL SITE—EMPLOYEE FACILITIES.
- ✓WAC 173-301-187 SOLID WASTE DISPOSAL SITE—DISPOSAL SITE IDENTIFICATION.
- ✓WAC 173-301-188 SOLID WASTE DISPOSAL SITE—FIRE PROTECTION.
- ✓WAC 173-301-189 SOLID WASTE DISPOSAL SITE—COMMUNICATION.
- ✓WAC 173-301-190 SOLID WASTE DISPOSAL SITE—CONFINED UNLOADING.
- ✓WAC 173-301-191 SOLID WASTE DISPOSAL SITE—RECLAMATION.
- ✓WAC 173-301-192 SOLID WASTE DISPOSAL SITE—SCAVENGING.
- ✓WAC 173-301-193 SOLID WASTE DISPOSAL SITE—ATTENDANT.
- ✓WAC 173-301-194 SOLID WASTE DISPOSAL SITE—SAFETY.
- ✓WAC 173-301-195 SOLID WASTE DISPOSAL SITE—VECTOR CONTROL.
- ✓WAC 173-301-196 SOLID WASTE DISPOSAL SITE—LIGHT MATERIAL CONTROL.
- ✓WAC 173-301-197 SOLID WASTE DISPOSAL SITE—RECORDS.
- ✓WAC 173-301-300 SANITARY LANDFILL, LEACHATE CONTROL.
- ✓WAC 173-301-301 SANITARY LANDFILL, LEACHATE CONTROL—POLLUTION PREVENTION.
- ✓WAC 173-301-302 SANITARY LANDFILL, LEACHATE CONTROL—GAS VENTING.
- ✓WAC 173-301-303 SANITARY LANDFILL, LEACHATE CONTROL—SINGLE LAYER COMPACTION.
- ✓WAC 173-301-304 SANITARY LANDFILL, LEACHATE CONTROL—DAILY COVER.
- ✓WAC 173-301-305 SANITARY LANDFILL, LEACHATE CONTROL—FINAL COVER.
- ✓WAC 173-301-306 SANITARY LANDFILL, LEACHATE CONTROL—FINAL SURFACE.
- ✓WAC 173-301-307 SANITARY LANDFILL, LEACHATE CONTROL—EQUIPMENT.
- ✓WAC 173-301-308 SANITARY LANDFILL, LEACHATE CONTROL—COMPLETION INSPECTION.
- ✓WAC 173-301-309 SANITARY LANDFILL, LEACHATE CONTROL—RECURRENT INSPECTION AND MAINTENANCE.
- ✓WAC 173-301-310 SANITARY LANDFILL, LEACHATE CONTROL—RECORDING WITH COUNTY AUDITOR.
- ✓WAC 173-301-320 SLUDGE MANAGEMENT.
- ✓WAC 173-301-350 INCINERATOR, APPLICABILITY OF AIR POLLUTION STANDARDS.
- ✓WAC 173-301-351 INCINERATOR, APPLICABILITY OF AIR POLLUTION STANDARDS—INCOMING STORAGE.
- ✓WAC 173-301-352 INCINERATOR, APPLICABILITY OF AIR POLLUTION STANDARDS—PREUSE INSPECTION AND PERFORMANCE TESTS.
- ✓WAC 173-301-353 INCINERATOR, APPLICABILITY OF AIR POLLUTION STANDARDS—RESIDUE DISPOSAL.
- ✓WAC 173-301-354 INCINERATOR, APPLICABILITY OF AIR POLLUTION STANDARDS—EMERGENCY DISPOSAL.
- ✓WAC 173-301-355 INCINERATOR, APPLICABILITY OF AIR POLLUTION STANDARDS—DRAINS.
- ✓WAC 173-301-356 INCINERATOR, APPLICABILITY OF AIR POLLUTION STANDARDS—DISPOSAL OF PROCESS WATER.
- ✓WAC 173-301-357 INCINERATOR, APPLICABILITY OF AIR POLLUTION STANDARDS—RECORDING PYROMETER.
- ✓WAC 173-301-358 INCINERATOR, APPLICABILITY OF AIR POLLUTION STANDARDS—SAFETY.
- ✓WAC 173-301-359 INCINERATOR, APPLICABILITY OF AIR POLLUTION STANDARDS—CLEANING.
- ✓WAC 173-301-400 COMPOST PLANT, ODOROUS MATERIALS.
- ✓WAC 173-301-401 COMPOST PLANT, ODOROUS MATERIALS—SAFETY.
- ✓WAC 173-301-402 COMPOST PLANT, ODOROUS MATERIALS—BYPRODUCTS.
- ✓WAC 173-301-450 RECLAMATION SITE.
- ✓WAC 173-301-451 RECLAMATION SITE—APPLICATION AND PLANS.
- ✓WAC 173-301-452 RECLAMATION SITE—ARCHITECTURE AND LANDSCAPING.
- ✓WAC 173-301-453 RECLAMATION SITE—POLLUTION CONTROL AND CLEANLINESS.
- ✓WAC 173-301-454 RECLAMATION SITE—STORAGE.
- ✓WAC 173-301-455 RECLAMATION SITE—SAFETY.
- ✓WAC 173-301-456 RECLAMATION SITE—EMPLOYEE FACILITIES.
- ✓WAC 173-301-457 RECLAMATION SITE—RECORDS.
- ✓WAC 173-301-500 OTHER METHODS OF SOLID WASTE HANDLING, PROCESSING AND DISPOSAL.
- ✓WAC 173-301-610 NONCONFORMING SITES AND FACILITIES.
- ✓WAC 173-301-611 ABANDONED DISPOSAL SITES.
- ✓WAC 173-301-625 ENFORCEMENT.
- ✓WAC 173-301-626 INSPECTION.

WSR 86-03-035
PROPOSED RULES
GAMBLING COMMISSION
 [Filed January 13, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Gambling Commission intends to adopt, amend, or repeal rules concerning amendatory sections WAC 230-46-010 and 230-46-020; and repealing WAC 230-46-030, 230-46-040, 230-46-050 and 230-46-060;

that the agency will at 10:00 a.m., Thursday, March 13, 1986, in the Tye Motor Inn, 500 Tye Drive, Tumwater, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW [9.46.]030(10) and [9.46.]070 (14) and (20).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 13, 1986.

Dated: January 13, 1986

By: Ronald O. Bailey
 Deputy Director

STATEMENT OF PURPOSE

Title: WAC 230-46-010 Purpose; 230-46-020 Definitions; 230-46-030 Promotional contests—Legality; 230-46-040 Promotional contest limited to seven days unless optional methods of entry are included; 230-46-050 Promotional contests—Admission fee limitation; and 230-46-060 Valuable consideration—Lotteries prohibited.

Description of Purpose: Amends rules to comply with chapter 473, Laws of 1985.

Statutory Authority: RCW 9.46.030(10) and 9.46.070 (14) and (20).

Summary of Proposed Rules and Reasons Supporting Action: WAC 230-46-010, to insure uniformity and fairness to all sponsors of promotional contests; and 230-46-020, to define promotional contest, promotional material, and perusal of promotional material.

Agency Personnel Responsible for Drafting, Implementing and Enforcing the Rules: Keith Kisor, Director, 234-0865 scan, 753-0865 comm; and Ronald O. Bailey, Deputy Director, 234-1075 scan, 753-1075 comm, Jefferson Building, 1110 South Jefferson, Olympia, WA 98504.

Proponents and Opponents: Gambling Commission staff proposes these rule amendments and new rules.

Agency Comments: The agency believes the proposed rules are self-explanatory and need no further comment.

These rules were not made necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: This agency has determined that there would be no economic impact upon small businesses in the state of Washington by the adoption of these amendments or new rules.

AMENDATORY SECTION (Amending Order 149, filed 4/15/85)

WAC 230-46-010 PURPOSE. The Washington state gambling commission(~~(, aware of the overwhelming increase of promotional contests conducted in the state of Washington,)~~) deems it to be in the public interest to interpret RCW 9.46.~~((020(14)))~~ 030(10) so as to insure uniformity and fairness to all sponsors of said promotional contests of chance. It is further the purpose of these regulations to notify all sponsors and their affiliates as to what types of promotional contests of chance are legal and not legal in the state of Washington.

AMENDATORY SECTION (Amending Order 149, filed 4/15/85)

WAC 230-46-020 DEFINITIONS. (1) "Lottery" means a scheme for the distribution of money or property by chance, among persons who have (~~(paid)~~) paid or agreed to pay a valuable consideration for the chance.

(2) "Promotional contest of chance" means a scheme (~~(for the distribution of money or property by chance, among persons who have not paid or not agreed to pay a valuable consideration for said chance))~~ in which a person, association, or an organization may distribute money or property among individuals who have agreed to participate in a contest of chance equally with other participants, providing no participant is required to do more than the allowable methods of entry authorized under the provisions of RCW 9.46.030 (10)(a)(i)-(ix).

(3) (~~("Retail outlet" means the place at which any business establishments sells goods or services for final consumption or to the ultimate consumer:)~~) "Promotional material" means all material which defines the rules of a particular promotional contest of chance, which may extend to a description or an explanation of a product(s), service(s), or combination(s) thereof being promoted.

(4) (~~("On behalf of in-state retail outlet" means a promotional contest sponsored by a party other than a retail outlet that may benefit a specific or chain of specific retail outlets by increased advertising or increased patronage:)~~) "Perusing promotional material" means to read or examine contest rules and/or the specific product(s), service(s), or combination(s) thereof being promoted: PROVIDED, That the contest rules or its promotional material shall disclose any additional requirement(s) to attend a demonstration, tour a facility or specific areas, visit a specified location or similar activity, to include the approximate length of time in connection with a promotional scheme: PROVIDED FURTHER, That any tour, demonstration, visit, or combination of requirement(s) will not extend beyond a total of two consecutive hours in duration.

REPEALER

The following sections of the Washington Administrative Code are each repealed:

(1) WAC 230-46-030 PROMOTIONAL CONTESTS - LEGALITY.

(2) WAC 230-46-040 PROMOTIONAL CONTESTS LIMITED TO SEVEN DAYS UNLESS OPTIONAL METHODS OF ENTRY ARE INCLUDED.

(3) WAC 230-46-050 PROMOTIONAL CONTESTS - ADMISSION FEE LIMITATION.

(4) WAC 230-46-060 VALUABLE CONSIDERATION - LOTTERIES PROHIBITED.

WSR 86-03-036

NOTICE OF PUBLIC MEETINGS EDMONDS COMMUNITY COLLEGE

[Memorandum—January 13, 1986]

Board of Trustees Meeting
 Lynnwood Hall, Room 424
 January 16, 1986
 Thursday

The facilities for this meeting are free of mobility barriers and interpreters for deaf individuals and brailled or taped information for blind individuals will be provided upon request when adequate notice is given.

WSR 86-03-037
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Filed January 13, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Utilities and Transportation Commission intends to adopt, amend, or repeal rules relating to accounting and reporting requirements for competitive telecommunications companies, WAC 480-120-033. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed amendment on economic values, pursuant to chapter 43.21H RCW and WAC 480-08-050(17). Cause No. U-85-65;

that the agency will at 9:00 a.m., Wednesday, March 5, 1986, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 Evergreen Park Drive South, Olympia, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 80.01.040.

The specific statute these rules are intended to implement is chapter 450, Laws of 1985.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before February 28, 1986.

This notice is connected to and continues the matter in Notice No. WSR 85-22-069 filed with the code reviser's office on November 6, 1985.

Dated: January 9, 1986
 By: Paul Curl
 Acting Secretary

WSR 86-03-038
EMERGENCY RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Order R-253, Cause No. U-85-81—Filed January 13, 1986]

In the matter of amending WAC 480-100-051 relating to interest on deposits held by electric companies.

The Washington Utilities and Transportation Commission finds that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest. A statement of the facts constituting such emergency is the existing rule for electric utilities requires that deposit interest be computed at the beginning of each calendar year. The rate proposed in this cause is significantly different from that currently in effect. Maintaining the rate at the prior level would generate higher operating expenses over a longer period of time, which might create a burden on the general body of

utility ratepayers. Moreover, making the rate effective in January would tend to reduce customer confusion which might be expected to result should the change be implemented at another time during the year.

This rule amendment is being promulgated pursuant to RCW 80.01.040 and 80.04.160.

This rule-making proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

This amendment to WAC 480-100-051 affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-100-051 should be amended, to read as set forth in Appendix A shown below and made a part hereof by this reference. WAC 480-100-051 as amended, will establish a revised formula for the calculation of interest rates on amounts received by electric utilities as refundable deposits. The rule would make the rate of deposit interest consistent for all electric, gas, and telephone utilities.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-100-051 as set forth in Appendix A, be amended, as an emergency rule of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.030 and 34.04.040(2).

IT IS FURTHER ORDERED That the order and the annexed rule, after being first recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

DATED at Olympia, Washington, this 13th day of January, 1986.

Washington Utilities and Transportation Commission
 Robert W. Bratton, Commissioner
 Richard D. Casad, Commissioner

APPENDIX "A"

AMENDATORY SECTION (*Amending Order R-84, filed 6/30/76*)

WAC 480-100-051 DEPOSITS. (1) *Establishment of credit. An applicant for residential service may establish credit by demonstrating to the utility any one of the following factors:*

(a) *Prior service with the utility in question during the next previous 12 months for at least six consecutive months during which service was rendered and was not disconnected for failure to pay, and no more than one delinquency notice was served upon the customer.*

(b) *Prior service with a utility of the same type as that of which service is sought with a satisfactory payment record as demonstrated in (a) above, provided that the reference may be quickly and easily checked, and the necessary information is provided.*

(c) Full-time consecutive employment during the entire 12 months next previous to the application for service, with no more than two employers, and the applicant is currently employed or has a regular source of income.

(d) Ownership of a significant legal interest in the premises to be served.

(e) Furnishing of a satisfactory guarantor to secure payment of bills for service requested in a specified amount not to exceed the amount of cash deposit which may be required.

(f) Demonstration that applicant is a satisfactory risk by appropriate means including, but not limited to, the production in person at a listed business office of two major credit cards, or other credit references, which may be quickly and easily checked by the utility.

(2) Establishment of credit — nonresidential. An applicant for nonresidential service may be required to demonstrate that it is a satisfactory credit risk by reasonable means appropriate under the circumstances.

(3) Deposit requirements. A deposit may be required under the following circumstances:

(a) Where the applicant has failed to establish a satisfactory credit history as outlined above.

(b) In any event, a deposit may be required when, within the 12 months prior to the application, the applicant's service of a similar type has been disconnected for failure to pay amounts owing, when due, where there is an unpaid, overdue balance owing for similar service from the utility to which application is being made or from any other electric or gas company, or where two or more delinquency notices have been served upon the applicant by any other electric or gas company during the 12 months previous to the application for service.

(c) Initiation or continuation of service to a residence where a prior customer still resides and where any balance for such service to that prior customer is past due or owing.

(4) Amount of deposit. In instances where a deposit may be required by the utility, the deposit shall not exceed two-twelfths of estimated annual billings for utilities billing monthly and three-twelfths of estimated annual billings for utilities billing bimonthly.

(5) Transfer of deposit. Where a customer of whom a deposit is required transfers his service to a new location within the same utility's service area, the deposit, less any outstanding balance, shall be transferable and applicable to the new service location.

(6) Interest on deposits. Interest on deposits held shall be accrued at ~~((the rate established according to law as interest upon judgments in superior courts of the state of Washington as of January 1 of each year. Interest shall be computed from the time of deposit to the time of termination of service))~~ a rate based upon a simple average of the effective interest rate for new issues of one year treasury bills, computed from December 1 of each year, continuing through November 30 of the following year. Deposits would earn that interest rate during January 1 through December 31 of the subsequent year. Interest shall be computed from the time of the deposit to the

time of refund or total application of the deposit and shall be compounded annually.

(7) Extended payment of deposits. Where a customer or applicant for service of whom a deposit is required is unable to pay the entire amount of the deposit in advance of connection or continuation of service, the customer or applicant shall be allowed to pay 50 percent of the deposit amount prior to service, with the remaining amount payable in equal amounts on the utility's ordinary billing cycle during the first two months of service. A customer or applicant who is unable to meet this deposit requirement shall have the opportunity to receive service under subsection (8), alternative to deposit, next below.

(8) Alternative to deposit. A customer or applicant for service of whom a deposit is required, but who is unable to make a deposit, shall be allowed, as an alternative to the making of a deposit, to prepay any installation charges and reasonably estimated regular service charges or budget billings at periods corresponding to the utility's regular billing period for the length of time during which a deposit would ordinarily have been required. The customer shall then be billed in a normal fashion.

(9) When payment is made by cash, a receipt shall be furnished to each applicant or customer for the amount deposited.

(10) Refund of deposits. Deposits plus accrued interest shall be refunded under the following circumstances and in the following form:

(a) Satisfactory payment. Where the customer has for 12 consecutive months paid for service when due in a prompt and satisfactory manner as evidenced by the following:

(i) The utility has not initiated disconnection proceedings against the customer.

(ii) No more than two notices of delinquency have been made to the customer by the utility.

(b) Termination of service. Upon termination of service, the utility shall return to the customer the amount then on deposit plus accrued interest, less any amounts due the utility by the customer for service rendered.

(c) Refunds — how made. Any deposit, plus accrued interest, shall be refunded to the customer either in the form of a check issued and mailed to the customer no longer than 15 days following completion of 12 months' satisfactory payment as described above, or applied to the customer's bill for service in the 13th and, if appropriate, subsequent months, in accordance with the preference as to form of refund indicated by the customer at the time of deposit, or as thereafter modified.

(11) Nothing in this rule shall prevent the requirement of a larger deposit or a new deposit when conditions warrant. Should a larger or new deposit be required, the reasons therefor shall be specified in writing to the customer. Any requirement for a new or larger deposit shall be in conformity with the standards set forth in this rule.

WSR 86-03-039
EMERGENCY RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Order R-252, Cause No. U-85-80—Filed January 13, 1986]

In the matter of amending WAC 480-90-051 relating to interest on deposits held by gas companies.

The Washington Utilities and Transportation Commission finds that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest. A statement of the facts constituting such emergency is this existing rule for gas utilities requires that deposit interest be computed at the beginning of each calendar year. The rate proposed in this cause is significantly different from that currently in effect. Maintaining the rate at the prior level would generate higher operating expenses over a longer period of time, which might create a burden on the general body of gas utility ratepayers. Moreover, making the rate effective in January would tend to reduce customer confusion which might be expected to result should the change be implemented at another time during the year.

This rule amendment is being promulgated pursuant to RCW 80.01.040 and 80.04.160.

This rule-making proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

This amendment to WAC 480-90-051 affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-90-051 should be amended, to read as set forth in Appendix A shown below and made a part hereof by this reference. WAC 480-90-051 as amended, will establish a revised formula for the calculation of interest rates on amounts received by gas utilities as refundable deposits. The rule would make the rate of deposit interest consistent for all electric, gas, and telephone utilities.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-90-051 as set forth in Appendix A, be amended, as an emergency rule of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.030 and 34.04.040(2).

IT IS FURTHER ORDERED That the order and the annexed rule, after being first recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

DATED at Olympia, Washington, this 13th day of January, 1986.

Washington Utilities and Transportation Commission
 Robert W. Bratton, Commissioner
 Richard D. Casad, Commissioner

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-83, filed 6/30/76)

WAC 480-90-051 DEPOSITS. (1) *Establishment of credit. An applicant for residential service may establish credit by demonstrating to the utility any one of the following factors:*

(a) *Prior service with the utility in question during the next previous 12 months for at least six consecutive months during which service was rendered and was not disconnected for failure to pay, and no more than one delinquency notice was served upon the customer.*

(b) *Prior service with a utility of the same type as that of which service is sought with a satisfactory payment record as demonstrated in (a) above, provided that the reference may be quickly and easily checked, and the necessary information is provided.*

(c) *Full-time consecutive employment during the entire 12 months next previous to the application for service, with no more than two employers, and the applicant is currently employed or has a regular source of income.*

(d) *Ownership of a significant legal interest in the premises to be served.*

(e) *Furnishing of a satisfactory guarantor to secure payment of bills for service requested in a specified amount not to exceed the amount of cash deposit which may be required.*

(f) *Demonstration that applicant is a satisfactory risk by appropriate means including, but not limited to, the production in person at a listed business office of two major credit cards, or other credit references, which may be quickly and easily checked by the utility.*

(2) *Establishment of credit — nonresidential. An applicant for nonresidential service may be required to demonstrate that it is a satisfactory credit risk by reasonable means appropriate under the circumstances.*

(3) *Deposit requirements. A deposit may be required under the following circumstances:*

(a) *Where the applicant has failed to establish a satisfactory credit history as outlined above.*

(b) *In any event, a deposit may be required when, within the 12 months prior to the application, the applicant's service of a similar type has been disconnected for failure to pay amounts owing, when due; where there is an unpaid, overdue balance owing for similar service from the utility to which application is being made or from any other gas or electric company, or where two or more delinquency notices have been served upon the applicant by any other gas or electric company during the 12 months previous to the application for service.*

(c) *Initiation or continuation of service to a residence where a prior customer still resides and where any balance for such service to that prior customer is past due or owing.*

(4) Amount of deposit. In instances where a deposit may be required by the utility, the deposit shall not exceed two-twelfths of estimated annual billings for utilities billing monthly and three-twelfths of estimated annual billings for utilities billing bimonthly.

(5) Transfer of deposit. Where a customer of whom a deposit is required transfers his service to a new location within the same utility's service area, the deposit, less any outstanding balance, shall be transferable and applicable to the new service location.

(6) Interest on deposits. Interest on deposits held shall be accrued at ~~((the rate established according to law as interest upon judgments in superior courts of the state of Washington as of January 1 of each year. Interest shall be computed from the time of deposit to the time of termination of service))~~ a rate based upon a simple average of the effective interest rate for new issues of one year treasury bills, computed from December 1 of each year, continuing through November 30 of the following year. Deposits would earn that interest rate during January 1 through December 31 of the subsequent year. Interest shall be computed from the time of the deposit to the time of refund or total application of the deposit and shall be compounded annually.

(7) Extended payment of deposits. Where a customer or applicant for service of whom a deposit is required is unable to pay the entire amount of the deposit in advance of connection or continuation of service, the customer or applicant shall be allowed to pay 50 percent of the deposit amount prior to service, with the remaining amount payable in equal amounts on the utility's ordinary billing cycle during the first two months of service. A customer or applicant who is unable to meet this deposit requirement shall have the opportunity to receive service under subsection (8), alternative to deposit, next below.

(8) Alternative to deposit. A customer or applicant for service of whom a deposit is required, but who is unable to make a deposit, shall be allowed, as an alternative to the making of a deposit, to prepay any installation charges and reasonably estimated regular service charges or budget billings at periods corresponding to the utility's regular billing period for the length of time during which a deposit would ordinarily have been required. The customer shall then be billed in a normal fashion.

(9) When payment is made by cash, a receipt shall be furnished to each applicant or customer for the amount deposited.

(10) Refund of deposits. Deposits plus accrued interest shall be refunded under the following circumstances and in the following form:

(a) Satisfactory payment. Where the customer has for 12 consecutive months paid for service when due in a prompt and satisfactory manner as evidenced by the following:

(i) The utility has not initiated disconnection proceedings against the customer.

(ii) No more than two notices of delinquency have been made to the customer by the utility.

(b) Termination of service. Upon termination of service, the utility shall return to the customer the amount

then on deposit plus accrued interest, less any amounts due the utility by the customer for service rendered.

(c) Refunds - how made. Any deposit, plus accrued interest, shall be refunded to the customer either in the form of a check issued and mailed to the customer no longer than 15 days following completion of 12 months' satisfactory payment as described above, or applied to the customer's bill for service in the 13th and, if appropriate, subsequent months, in accordance with the preference as to form of refund indicated by the customer at the time of deposit or as thereafter modified.

(11) Nothing in this rule shall prevent the requirement of a larger deposit or a new deposit when conditions warrant. Should a larger or new deposit be required, the reasons therefor shall be specified in writing to the customer. Any requirement for a new or larger deposit shall be in conformity with the standards set forth in this rule.

WSR 86-03-040

ADOPTED RULES

UTILITIES AND TRANSPORTATION COMMISSION

[Order R-249, Cause No. TV-1924—Filed January 13, 1986]

In the matter of amending WAC 480-12-285 relating to distribution and cost of tariffs.

This action is taken pursuant to Notice No. WSR 85-23-026 filed with the code reviser on November 13, 1985. This rule change hereinafter adopted shall take effect pursuant to RCW 34.04.040(2).

This rule-making proceeding is brought on pursuant to RCW 80.01.040 and 81.80.290 and is intended administratively to implement these statutes.

This rule-making proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

Pursuant to Notice No. WSR 85-23-026 the above matter was scheduled for consideration at 9:00 a.m., Wednesday, January 8, 1986, in the Commission's Hearing Room, Sixth Floor, Highways-Licenses Building, Olympia, Washington, before Chairman Sharon L. Nelson and Commissioners Robert W. Bratton and Richard D. Casad.

Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments to the commission in writing prior to December 27, 1985. Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments orally at 9:00 a.m., Wednesday, January 8, 1986, in the Commission's Hearing Room, Sixth Floor, Highways-Licenses Building, Olympia, Washington.

At the January 8, 1986, meeting the commission considered the rule change proposal. No written or oral comments were forthcoming.

The rule change affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-12-285 should be amended to read as set forth in Appendix A shown below and by this reference made a part hereof. WAC 480-12-285 as amended will establish annual tariff maintenance charges at a level sufficient to recover costs of issuance and distribution.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-12-285 as set forth in Appendix A, be amended as a rule of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.040(2).

IT IS FURTHER ORDERED That the order and the annexed rule, after first being recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

DATED at Olympia, Washington, this 8th day of January, 1986.

Washington Utilities and Transportation Commission
 Sharon L. Nelson, Chairman
 Robert W. Bratton, Commissioner
 Richard D. Casad, Commissioner

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-177, Cause No. TV 1545, filed 11/13/81)

WAC 480-12-285 TARIFFS, DISTRIBUTION AND COST OF. Tariffs, with description and cost thereof are as follows:

Tariff No.	Territory	Cost per tariff	
		Initial Charge	Annual Maintenance
3-B	Spokane cartage	((7.50)) \$ 8.00	\$ 8.00
4-A	Special commodities (state-wide)	((7.50-17.00)) 8.00	20.00
5-A	General freight west of cascades	((10.00-17.00)) 12.00	20.00
6-A	General freight east of Cascades and between east and west	((10.00-20.00)) 12.00	22.00
7-B	Bulk petroleum products	((7.50-15.00)) 8.00	18.00
(8) 9	Olympic Peninsula General freight in King, Pierce, Snohomish & Thurston counties	((10.00-15.00)) ((10.00-17.00)) 12.00	15.00 20.00
10	Mileage circular	((7.50)) 8.00	8.00

Cost per tariff

Tariff No.	Territory	Annual	
		Initial Charge	Maintenance
12	Local areas	((7.50)) 8.00	8.00
13	Bulk commodities except petroleum	((7.50-15.00)) 8.00	18.00
14	Mobile homes (towaway)	((7.50)) 8.00	8.00
15	Household goods	((7.50)) 8.00	8.00

During the calendar year in which the purchase of a tariff is made the annual maintenance fee shall be payable in advance on the following basis:

Month Purchased	Fee Payable
January, February, March	In full
April, May, June	Three-quarters
July, August, September	One-half
October, November, December	One-quarter

Each subsequent year the annual maintenance fee shall be payable on or before December 31 of the preceding year.

One or more single pages in any tariff will be supplied at five cents per page - minimum order one dollar.

All prices set out in this rule shall be subject to change without notice. All subsequent issues or reissues of commission tariffs shall be priced according to the cost of compilation and maintenance and all fees shall be payable in advance as stated herein unless otherwise specifically ordered by the commission.

**WSR 86-03-041
 PROPOSED RULES
 DEPARTMENT OF PERSONNEL
 (Personnel Board)
 [Filed January 14, 1986]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Personnel Board intends to adopt, amend, or repeal rules concerning career executive program, amending chapter 356-47 WAC;

that the agency will at 10:00 a.m., Thursday, February 13, 1986, in the Board Hearings Room, Department of Personnel, 600 South Franklin, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 41.06.040.

The specific statute these rules are intended to implement is RCW 41.06.150 and 41.06.430.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before February 11, 1986.

This notice is connected to and continues the matter in Notice No. WSR 85-24-003 filed with the code reviser's office on November 21, 1985.

Dated: January 13, 1986

By: Leonard Nord
Secretary

WSR 86-03-042
PROPOSED RULES
DEPARTMENT OF REVENUE

[Filed January 14, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Revenue intends to adopt, amend, or repeal rules concerning:

New WAC 458-20-248 Sales of precious metal bullion and monetized bullion.

New WAC 458-20-249 Artistic or cultural organizations;

that the agency will at 9:00 a.m., Thursday, February 27, 1986, in the Revenue Conference Room, 415 General Administration Building, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on March 6, 1986.

The authority under which these rules are proposed is RCW 82.32.300.

The specific statute these rules are intended to implement is chapter 471, Laws of 1985 (ESSB 4228), (SSB 4228) as yet uncodified, RCW 82.04.050, 82.04.060, 82.04.4328, 82.04.4322, 83.04.4324 [82.04.4324], 82.04.4326, 82.08.031 and 82.12.031.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before February 27, 1986.

Dated: January 14, 1986

By: Matthew J. Coyle
Acting Director

STATEMENT OF PURPOSE

Title: WAC 458-20-248 Sales of precious metal bullion and monetized bullion.

Description of Purpose: To implement chapter 471, Laws of 1985 (ESSB 4228), which effectively provides a B&O tax and retail sales tax exemption for sales of precious metal bullion and monetized bullion; to provide a compensating use tax exclusion under precisely the same conditions that sales tax is exempt; to explain the circumstances under which such bullion sales are taxable; to provide the appropriate certification to be taken by sellers to perfect the exemptions; and to explain the taxability of sales commissions on bullion sales.

Statutory Authority: RCW 82.32.300.

Specific Statute(s) Rule is Intended to Implement: Chapter 471, Laws of 1985 (ESSB 4228) as yet uncodified, RCW 82.04.050 and 82.04.060.

Reasons Supporting Proposed Action: Before July 1, 1985, the sales of precious metal and coin were subject to retailing business tax and sales or use tax. Under most circumstances, after July 1, 1985, amounts derived from such sales are tax exempt. A WAC rule is required to

distinguish exempt from taxable transactions, to provide controlling definitions of terms, and to generally explain tax liabilities of all persons relating to bullion sales transactions. This rule is also necessary to administratively implement a compensating use tax exclusion for uses of bullion which would be sales tax exempt if purchased in this state, in order to obviate discriminatory tax treatment in violation of the United States and State Constitutions.

Title: WAC 458-20-249 Artistic or cultural organizations.

Description of Purpose: To implement chapter 471, Laws of 1985 (SSB 4228), which provides a plenary B&O tax exemption for amounts derived by qualifying artistic or cultural organizations from engaging in any business activities in this state; to explain retail sales tax collection obligations of such organizations, to implement preexisting sales tax and use tax exemptions for qualifying purchases of objects of art, etc., by such organizations.

Statutory Authority: RCW 82.32.300.

Specific Statute(s) Rule is Intended to Implement: Chapter 471, Laws of 1985 (SSB 4228) as yet uncodified, which also amends RCW 82.04.4328. Also, RCW 82.04.4322, 82.04.4324, 82.04.4326, 82.08.031 and 82.12.031.

Reasons Supporting Proposed Action: An administrative WAC rule is necessary to combine and explain statutory exclusions from B&O tax and sales and use tax under certain prescribed conditions, for artistic and cultural organizations as statutorily defined; guidelines for perfecting tax exemption and certification forms for documenting proof of entitlement to exemption are also necessary to be provided.

Agency Personnel Responsible for Drafting and Adoption: Edward L. Faker, 415 General Administration Building, Olympia, WA 98504, phone 753-5579; Implementation: Garry G. Fujita, 415 General Administration Building, Olympia, WA 98504, phone 753-5544; and Enforcement: Department of Revenue, 415 General Administration Building, Olympia, WA 98504, phone 753-5540.

NEW SECTION

WAC 458-20-248 SALES OF PRECIOUS METAL BULLION AND MONETIZED BULLION. Effective July 1, 1985, amounts derived from sales of precious metal bullion and monetized bullion as defined herein, are not subject to business and occupation tax under either the wholesaling or retailing classification or to retail sales tax. Statutory law expressly excludes such sales from the definitions of the terms, "wholesale sale," "sale at wholesale," "retail sale," and "sale at retail."

The term, "precious metal bullion" is statutorily defined to mean any elementary precious metal which has been put through a process of smelting or refining, including, but not limited to, gold, silver, platinum, rhodium, and palladium, and which is in such state or condition that its value depends upon its contents and not upon its form.

The term, "monetized bullion" means coin or other forms of money manufactured from gold, silver, or other metals and heretofore, now, or hereafter used as a medium of exchange under the laws of this state, the United States, or any foreign nation, but does not include coins or money sold to be manufactured into jewelry or works of art.

Thus, sales of processed or refined elementary precious metal valued solely upon the content thereof, whatever its form, are not subject to tax in this state. This includes processed nuggets, bars, sticks, dust, and

other processed forms of elementary precious metal. For example, sales of gold or silver in raw, refined forms to dentists, laboratories, jewelers, and other persons, for their own consumption or for resale are not taxable. However, sales of precious metal which has been manufactured or further processed into any form which determines or adds to the value thereof are fully taxable. For example, sales of jewelry items, medallions, artworks, and other items, the value of which is dependent upon more than the mere content of precious metal therein, are subject to wholesaling or retailing business and occupation tax, whichever is applicable, and retail sales tax as appropriate.

Sales of metal money, in coined or other form, which is recognized as a medium of exchange in the financial marketplace, are not taxable. However, sales of coin or money, whether or not recognized as a medium of exchange, to jewelers or other persons for the purpose of manufacturing jewelry or artworks therefrom are fully taxable. For example, sales of coins for necklaces or to be used as buttons or in paintings or painting frames, etc., are taxable.

In order to be exempt of tax, sellers of coins or other metal money must take a written statement, signed and dated by their buyers certifying that the coins or metal money are not being purchased for use in manufacturing jewelry or works of art.

The tax exclusions explained herein apply equally to sales of precious metal bullion or monetized bullion transferred through documents of ownership, certificates, confirmation slips, or other indicia of ownership.

TAXABLE COMMISSIONS

Amounts received as commissions upon sales of precious metals by dealers, brokers, and other selling and/or buying agents who sell or buy precious metal bullion or monetized bullion for the accounts of customers are subject to the service and other activities classification of business and occupation tax. The amount of any shared commission or fee paid to other dealers or commissioned agents associated in such transactions are deductible from the measure of this tax. However, no deduction is allowed for any of the dealer's or commissioned agent's own costs of doing business, including salaries or commissions paid to their own salespersons or other employees. Similarly, persons who receive any part of shared commissions derived from having been associated in transactions for the purchase or sale of precious metal or monetized bullion for the account of others, are themselves subject to service business tax measured by such amounts received.

USE TAX

The use tax does not apply upon the use of elementary precious metal bullion or monetized bullion in this state under such circumstances that the sale of such bullion to the user would not be taxable if made in this state as explained earlier herein. In all other cases the use tax applies upon the first use by a consumer of precious metals in this state if retail sales tax has not been paid. See WAC 458-20-178.

NEW SECTION

WAC 458-20-249 ARTISTIC OR CULTURAL ORGANIZATIONS. For purposes of business and occupation tax deduction and certain retail sales tax and use tax exemptions, RCW 82.04.4328 expressly defines the term "artistic or cultural organizations" in pertinent part as follows:

" . . . the term "artistic or cultural organization" means an organization which is organized and operated exclusively for the purpose of providing artistic or cultural exhibitions, presentations, or performances or cultural or art education programs, . . . for viewing or attendance by the general public. The organization must be a not-for-profit corporation under chapter 24.03 RCW and managed by a governing board of not less than eight individuals none of whom is a paid employee of the organization or by a corporation sole under chapter 24.12 RCW. In addition, to qualify for deduction or exemption from taxation . . . the corporation shall satisfy the following conditions:

(a) No part of its income may be paid directly or indirectly to its members, stockholders, officers, directors, or trustees except in the form of services rendered by the corporation in accordance with its purposes and bylaws;

(b) Salary or compensation paid to its officers and executives must be only for actual services rendered, and at levels comparable to the salary or compensation of like positions within the state;

(c) Assets of the corporation must be irrevocably dedicated to the activities for which the exemption is granted and, on the liquidation, dissolution, or abandonment by the corporation, may not inure directly

or indirectly to the benefit of any member or individual except a non-profit organization, association, or corporation which also would be entitled to the exemption;

(d) The corporation must be duly licensed or certified when licensing or certification is required by law or regulation;

(e) The amounts received that qualify for exemption must be used for the activities for which the exemption is granted;

(f) Services must be available regardless of race, color, national origin, or ancestry; and

(g) The director of revenue shall have access to its books in order to determine whether the corporation is exempt from taxes.

(2) The term "artistic or cultural exhibitions, presentations, or performances or cultural or art education programs" includes and is limited to:

(a) An exhibition or presentation of works of art or objects of cultural or historical significance, such as those commonly displayed in art or history museums;

(b) A musical or dramatic performance or series of performances; or

(c) An educational seminar or program, or series of such programs, offered by the organization to the general public on an artistic, cultural, or historical subject."

Effective July 1, 1985, artistic or cultural organizations, as defined herein, are not subject to business and occupation tax upon amounts derived from conducting any business activities whatever. Formerly, a business and occupation tax deduction was available only for amounts received by such organizations from the United States and its instrumentalities or the state and local government entities (RCW 82.04.4322); certain manufacturing activities (RCW 82.04.4324); and tuition fees for artistic or cultural education programs (RCW 82.04.4326). Under current law, however, the deduction is unrestricted and applies to all activities conducted by such qualifying organizations.

RETAIL SALES TAX

Artistic or cultural organizations which make any charges for goods or services which are included in the definition of "retail sale" under RCW 82.04.050, must collect and report the retail sales tax thereon. No sales tax exemption is available for sales by such organizations.

Such organizations are exempt of paying retail sales tax upon their purchases of certain "objects" for the purpose of exhibition or presentation to the general public if the objects are:

(1) Objects of art;

(2) Objects of cultural value;

(3) Objects to be used in the creation of a work of art, other than tools; or

(4) Objects to be used in displaying art objects or presenting artistic or cultural exhibitions or performances. (RCW 82.08.031)

The term "objects" is deemed to mean items of tangible personal property. It does not include professional or commercial services rendered by third parties. Where, however, certain services are performed which are merely incidental to sales of tangible personal property, e.g., designing playbills or altering stage curtains which are then sold to qualifying organizations, the total charge therefore will be exempt.

Charges for materials, equipment, and services related to repair, maintenance, or replacement of buildings or structures are not exempt. Thus, e.g., theater seats, aisle carpeting, air conditioning systems, painting of interior or exterior of buildings, and the like are not tax exempt "objects."

Under Washington law exempt sales include rentals of exempt objects.

Examples of objects which may be purchased by qualifying artistic or cultural organizations without payment of retail sales tax are:

a) Tickets, programs, signs, posters, fliers, and playbills printed for particular displays or performances; scenery, costumes, stage, props, scrim, and materials for their construction;

b) Stage lights, filters, control panels, color medium, stage drapes, sets, set paint, gallery exhibition materials, risers, display platforms, and materials for their construction;

c) Sheet music, recordings, musical instruments and musical supplies for the staging of displays and performances;

d) Movie projectors, films, sound systems, video and sound equipment and supplies and computer hardware and standard, prewritten software directly used exclusively in the staging of performances or actual display of art objects.

Examples of objects which may be purchased by qualifying artistic or cultural organizations, upon which the retail sales tax must be paid are:

a) Supplies and equipment for clerical support, including bulk tickets for general use, stationery, typewriters, copy machines, and general office supplies;

b) Theater seats, lobby furniture, carpeting, vending machines, and general supplies for audience or patrons' convenience and use;

c) Shipping and packing materials, crates, boxes, dunnage, labels, tags, and container-related items for transfer or storage of exempt objects;

d) Sewing machines and other durable equipment used to prepare, repair, and maintain exempt objects (such items are deemed to be "tools," rather than exempt objects);

e) Theater or building lighting and utility fixtures and systems, and computer hardware and software not directly and exclusively used in staging performances or actually displaying art objects.

Qualified artistic and cultural organizations may obtain the tax exemptions by providing their suppliers with a written statement in essentially the following form:

I, (buyer's name), hereby confirm that the items purchased on (date of purchase), without payment of retail sales tax, from (seller's name) are all objects of art or cultural value or to be used in the creation of such objects or in displaying art objects or presenting artistic or cultural exhibitions or performances.

(signature of authorized purchaser)
for: (name of organization)
(registration no. of organization)

Vendors who accept such certifications in good faith will be excused from the responsibility of collecting and remitting sales tax on such sales.

USE TAX

Under RCW 82.12.031, the use tax does not apply to the use of any objects for the purposes explained earlier in this rule, and upon which the retail sales tax would be exempt if the objects were purchased in this state. The use tax applies upon all other items of tangible personal property used by artistic or cultural organizations upon which retail sales tax has not been paid.

WSR 86-03-043
PROPOSED RULES
DEPARTMENT OF REVENUE
[Filed January 14, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Revenue intends to adopt, amend, or repeal rules concerning:

- Amd WAC 458-20-102 Resale certificates.
- Amd WAC 458-20-122 Sales of feed, seed, fertilizer and spray materials.
- Amd WAC 458-20-135 Extracting natural products.
- Amd WAC 458-20-210 Sales of agricultural products by persons producing the same.
- Amd WAC 458-20-175 Persons engaged in the business of operating as a private or common carrier by air, rail or water in interstate or foreign commerce.
- Amd WAC 458-20-193C Imports and exports—Sales of goods from or to persons in foreign countries.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on March 6, 1986.

The authority under which these rules are proposed is RCW 82.32.300.

The specific statute these rules are intended to implement is RCW 82.04.050, chapter 148, Laws of 1985 (EHB 99) as yet uncodified, RCW 82.04.100, 82.04.230, 82.04.330, chapter 471, Laws of 1985 (ESSB 4228) new section as yet uncodified to chapter 82.04 RCW and RCW 82.04.4286.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before February 25, 1986.

Dated: January 14, 1986
By: Matthew J. Coyle
Deputy Director

STATEMENT OF PURPOSE

Title: WAC 458-20-102 Resale certificates.

Description of Purpose: To clarify the tax treatment of persons who sell feed, seed, fertilizer, and spray materials to farmers; to clarify the definition of the term "farmers" and exclude "extractors" from that definition.

Statutory Authority: RCW 82.32.300.

Specific Statute Rule is Intended to Implement: RCW 82.04.050.

Reasons Supporting Proposed Action: Because of amendments necessary to related revenue rules, WAC 458-20-122, 458-20-135 and 458-20-210, in order to implement chapter 148, Laws of 1985 (EHB 99), it becomes necessary to make ministerial, housekeeping amendments to this Rule 102 as well. The amendatory language merely clarifies the use of resale certificates by farmers. It neither expands nor limits present tax administration in this regard. Accordingly, the rule amendment will not involve a public hearing.

Title: WAC 458-20-122 Sales of feed, seed, fertilizer and spray materials.

Description of Purpose: To implement chapter 148, Laws of 1985 (EHB 99), which provides a retail sales tax exemption for sales of feed to fish raisers. To clarify present rule provisions regarding the business and occupation tax reporting classifications of persons who sell feed, seed, etc., to farmers, and to clarify the definition of the term "farmers."

Statutory Authority: RCW 82.32.300.

Specific Statute(s) Rule is Intended to Implement: RCW 82.04.050 and chapter 148, Laws of 1985 (EHB 99) as yet uncodified.

Reasons Supporting Proposed Action: This rule simply requires amendment to comport with the new law which treats fish raisers as farmers and grants sales tax exemption for feed sales. The rule changes are ministerial, nonsubstantive, and do not require public hearing.

Title: WAC 458-20-135 Extracting natural products.

Description of Purpose: To implement chapter 148, Laws of 1985 (EHB 99), which exempts the activity of cultivating and raising fish from the business and occupation tax. To implement the Department of Revenue's past administrative position that logging road building pursuant to timber extracting contracts is part of the extracting activity and taxable as such.

Statutory Authority: RCW 82.32.300.

Specific Statute(s) Rule is Intended to Implement: RCW 82.04.100, 82.04.230 and chapter 148, Laws of 1985 (EHB 99) as yet uncodified.

Reasons Supporting Proposed Action: This rule has included the raising and taking of fish as taxable for business and occupation tax under the extracting tax classification. Because of new statutory B&O tax exemption, the rule must be amended simply to delete this

activity from its provisions. Also, the rule is amended to codify the Department of Revenue's longstanding position that logging road construction done pursuant to timber extracting contracts is a part of the same extracting classification as opposed to being a sale at retail or public road construction. There is no tax impacting effect and no public hearing is involved.

Title: WAC 458-20-210 Sales of agricultural products by persons producing the same.

Description of Purpose: To implement chapter 148, Laws of 1985 (EHB 99), which includes fish raising within the agricultural business and occupation tax exemption. To delete the use of the term "farmer" and refer instead to persons who raise "agricultural products." To simply explain the statutory tax applications and exemptions for such persons.

Statutory Authority: RCW 82.32.300.

Specific Statute(s) Rule is Intended to Implement: RCW 82.04.050, 82.04.330 and chapter 148, Laws of 1985 (EHB 99) as yet uncodified.

Reasons Supporting Proposed Action: It is necessary to amend this rule simply to correctly state the B&O tax exemption available under the law and explain the retail sales tax applications for agricultural products. Because the statutory exemption now includes products not commonly perceived as being raised by "farmers," the administrative use of this term in the rule has been deleted. The amendments are strictly ministerial and housekeeping in nature and will not involve a public hearing.

Title: WAC 458-20-175 Persons engaged in the business of operating as a private or common carrier by air, rail or water in interstate or foreign commerce.

Description of Purpose: To implement chapter 471, Laws of 1985 (ESSB 4228), which provides a business and occupation tax deduction for amounts derived from sales of fuel for consumption outside territorial waters by vessels used primarily in foreign commerce. To provide sample exemption certification forms for use by sellers and buyers entitled to the exemption.

Statutory Authority: RCW 82.32.300.

Specific Statute(s) Rule is Intended to Implement: Chapter 471, Laws of 1985 (ESSB 4228) which adds a new section, as yet uncodified, to chapter 82.04 RCW.

Reasons Supporting Proposed Action: This rule, which already administers certain deductions from tax for carriers operating in foreign commerce, must be revised to include the deduction for vessel fuel used outside territorial waters. It also must provide for the certification to be taken to perfect the claimed deduction. It is ministerial and nonsubstantive in nature because it merely incorporates a statutory deduction. Thus, no public hearing is involved.

Title: WAC 458-20-193C Imports and exports—Sales of goods from or to persons in foreign countries.

Description of Purpose: To implement chapter 471, Laws of 1985 (ESSB 4228), which provides a business and occupation tax deduction for amounts derived from sales of fuel for consumption outside territorial waters by vessels used primarily in foreign commerce. To provide within the rule a sample exemption certificate form for use by persons claiming this deduction.

Statutory Authority: RCW 82.32.300.

Specific Statute(s) Rule is Intended to Implement: RCW 82.04.4286 and chapter 471, Laws of 1985 (ESSB 4228) as yet uncodified, which establishes a new section of chapter 82.04 RCW.

Reasons Supporting Proposed Action: This rule generally covers the taxability and/or exempt nature of business activities involving foreign commerce. It should include an explanation of the new deduction for vessel fuel used in foreign commerce. This is a ministerial amendment because it simply incorporates statutory provisions into the rule. Accordingly, no public hearing is involved.

Agency Personnel Responsible for Drafting: Edward L. Faker, 415 General Administration Building, Olympia, WA 98504, phone 753-5579; Implementation: Garry G. Fujita, 415 General Administration Building, Olympia, WA 98504, phone 753-5544; and Enforcement: Department of Revenue, 415 General Administration Building, Olympia, WA 98504, phone 753-5540.

AMENDATORY SECTION (Amending Order ET 83-17, filed 3/15/83)

WAC 458-20-102 RESALE CERTIFICATES. Except as hereinafter noted, all sales are deemed to be retail sales unless the seller takes from the buyer a resale certificate signed by and bearing the registration number and address of the buyer, to the effect that the property purchased is:

- (1) For resale in the regular course of business without intervening use, or
- (2) To be used as an ingredient or component part of a new article of tangible personal property to be produced for sale, or
- (3) A chemical to be used in processing an article to be produced for sale. (See WAC 458-20-113.)

When a vendor receives and accepts in good faith from a purchaser a resale certificate as described in this rule, the vendor is relieved of liability for retail sales tax with respect to the transaction. When a vendor has not secured such a resale certificate he is personally liable for the tax due unless he can sustain the burden of proving (1) that the property was sold for one of the three purposes set forth above and (2) that the purchaser was eligible to give a bona fide resale certificate under the provisions of this rule.

Any purchaser who fraudulently signs a resale certificate with intent to avoid payment of tax is guilty of a gross misdemeanor.

No prescribed form of resale certificate is required. Any written statement to the effect that the tangible personal property is purchased for ~~((resale))~~ one of the three purposes set forth above signed by and bearing the name, address, and registration number of the buyer is sufficient. Such statement may be written or stamped upon the purchase order or may be upon a separate paper. It should be in substantially the following form:

"I hereby certify that this purchase is for resale without intervening use by me in the regular course of business, or is to be used as an ingredient or component part of a new article of tangible personal property to be produced for sale, or is a chemical to be used in processing an article to be produced for sale.

Registration No. Name as Registered
 Firm Name Address
 Type of Business
 Authorized Signature
 Title Date"

Blanket resale certificates may be given in advance by known wholesalers, jobbers or retailers. These certificates should be substantially in the following form:

"I hereby certify that all the tangible personal property which I will purchase from will be purchased for resale in the regular course of business without intervening use by me, or for the purpose of consuming the property purchased in producing for sale a new article of

tangible personal property of which the property purchased will be an ingredient, or a chemical used in processing the same. This certificate shall be considered a part of each order which I may hereafter give to you, unless otherwise specified, and shall be valid until revoked by me in writing.

Registration No. Name as Registered
 Firm Name Address
 Type of Business
 Authorized Signature
 Title Date"

Blanket resale certificates remain valid only so long as the registration number shown thereon has not been cancelled or revoked. Therefore, blanket resale certificates must be renewed whenever a change occurs in the ownership of a purchaser's business and a new certificate of registration is required. All blanket resale certificates must be renewed at intervals not to exceed four years. Sellers who have valid blanket resale certificates on file without the additional language required by the March, 1983 amendment to this rule are not required to obtain revised blanket resale certificates except where a purchaser's registration with the department of revenue has been cancelled or revoked, a change occurs in the ownership of a purchaser's business and a new registration is required, or the blanket resale certificate was completed more than four years prior to the effective date of the amendment.

EXCEPTION AS TO NONRESIDENT BUYERS. In case the purchaser is a nonresident who is not engaged in business in this state, but buys articles here for the purpose of resale in his regular course of business outside this state, the seller should take from such a purchaser a resale certificate substantially in the above form, omitting a registration number, but including a statement to the effect that the articles purchased are for resale by him in his regular course of his business.

EXCEPTION AS TO FARMERS. The word "farmers" as used in this rule means any persons engaged in the business of growing or producing for sale at wholesale upon ((his)) their own lands, or upon lands in which ((he has)) they have a present right of possession, any agricultural ((or horticultural)) product ((or crop)) whatsoever, including ((the raising for sale of any animal, bird or insect or the)) milk, eggs, wool, fur, meat, honey, or other substances obtained ((therefrom. It does not mean a person raising any animal, agricultural or horticultural product primarily for his own use or consumption, nor does it)) from animals, birds, or insects. "Farmers" does not mean persons selling such products at retail, persons using such products as ingredients in a manufacturing process, or persons growing or producing such products for their own consumption. It does not mean any person dealing in livestock as an operator of a stockyard, slaughterhouse, or packing house; nor does it mean any person who is an "extractor" within the meaning of WAC 458-20-135.

Farmers ((who do not sell at retail)) as defined in this rule are not required to register. Sales of feed, seed, fertilizer, and spray materials to farmers ((for the purpose of producing for sale any agricultural product whatsoever)) are sales at wholesale not subject to the retail sales tax. Farmers who purchase livestock for the purpose of fattening and later reselling the same are making purchases at wholesale not subject to the retail sales tax. Upon sales of any such articles to farmers (including farmers operating in other states), the seller should take from the farmer a resale certificate showing the farmer's name and address and a statement to the effect that his purchase of feed, seed, fertilizer, spray materials is made for the purpose of producing for sale at wholesale an agricultural product, or that his purchase of livestock is made for the purpose of resale. (For sales to farmers of feed, seed, fertilizer and spray materials, see WAC 458-20-122.)

PURCHASES FOR DUAL PURPOSE. It may happen that a buyer normally is engaged in both consuming and reselling certain types of articles of tangible personal property and is not able to determine at the time of purchase whether the particular property acquired will be consumed or resold. In such cases, the buyer should purchase according to the general nature of his business; that is, if principally he consumes the articles in question, he should not give a resale certificate for any portion thereof, but if, on the other hand, he principally resells such articles, he may sign a resale certificate for the whole amount of his purchases.

If the buyer gives a resale certificate for all purchases and thereafter consumes some of the articles purchased, he must set up in his books of account the value thereof and remit to the department of revenue the deferred sales tax payable thereon. Such tax should be reported on Form 2406 under use tax.

On the other hand, if the buyer has not given a resale certificate but has paid tax on all purchases of such articles and subsequently resells at retail a portion thereof, he must, nevertheless, collect the tax from the purchaser and report such sales in making his tax returns. However, in such case, the buyer may take a deduction on his return representing his cost of the property thus resold on which sales tax was paid.

Such deduction shall be designated as "resale purchases on which tax was paid" and listed under sales tax deductions on the back of the tax return form. Claim for deduction will be allowed only if the taxpayer keeps and preserves records in support thereof which show the names of the persons from whom such articles were purchased, the date of the purchase, the type of articles, the amount of the purchase and the tax which was paid. (See WAC 458-20-174, 458-20-175 and 458-20-176 for exemption certificates concerning certain sales made to persons engaged in interstate or foreign commerce or in deep sea fishing operations.)

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70, effective 7/1/70)

WAC 458-20-122 SALES OF FEED, SEED, FERTILIZER AND SPRAY MATERIALS. As used in this ruling:

The word "feed" means a substance used as food for animals ((or poultry)), birds, fish, or insects, and includes whole and processed grains or mixtures thereof, hay and forages or meals made therefrom, mill feeds and feeding concentrates, stock salt, hay salt, bone meal, cod liver oil, double purpose limestone grit, oyster shell and other similar substances used to sustain or improve livestock or poultry. The word does not include substances which do not contribute directly to a resulting agricultural product, such as peat moss or litter, nor does it include hormones or products which are used as medicines rather than as food.

The word "seed" means propagative portions of plants, commonly used for seeding or planting whether true seeds, bulbs, plants, seedlike fruits, seedlings or tubers.

The word "fertilizer" means a substance which increases the productivity of the soil by adding plant foods or nutrients which improve and stimulate plant growth.

The term "spray materials" means materials in liquid, powder or gaseous form used by agricultural producers as described in RCW 82-04.330 for the purpose of controlling or destroying insects, parasites, vermin, animals, fungi, weeds, pests or plants of a similar nature, deleterious to the growth or conservation of horticultural plants, animals, or products derived therefrom. It does not include mechanical devices for the elimination of pests nor does it include materials used for spraying forest trees by commercial timber producers.

The word "farmers" as used in this rule means any persons engaged in the business of growing or producing for sale at wholesale upon their own lands, or upon lands in which they have a present right of possession, any agricultural product whatsoever, including milk, eggs, wool, fur, meat, honey, or other substances obtained from animals, birds, or insects. "Farmers" does not mean persons selling such products at retail, persons using such products as ingredients in a manufacturing process, or persons growing or producing such products for their own consumption. It does not mean any person dealing in livestock as an operator of a stockyard, slaughter house, or packing house; nor does it mean any person who is an "extractor" within the meaning of WAC 458-20-135.

BUSINESS AND OCCUPATION TAX

Persons engaged in the business of selling feed, seed, fertilizer or spray materials are taxable under either the retailing or wholesaling classification on gross proceeds of sales. ((See WAC 458-20-161 for special classification of sales of unprocessed wheat, oats, dry peas, corn or barley.)) Sales of feed, seed, fertilizer, and spray materials to farmers as defined herein are taxable under the wholesaling-other classification: PROVIDED, That wholesale sales of certain unprocessed grain and legumes may be taxable at a lower rate under the wholesaling wheat, oats, corn, barley, dry peas, dry beans, lentils, triticale classification (see WAC 458-20-161), even though the sale of such unprocessed grains or legumes is to a farmer for use as feed. Sales of feed, seed, fertilizer, and spray materials to consumers other than farmers are taxable under the retailing classification. Sales of feed for use in the cultivating or raising for sale of fish are taxable under the retailing classification.

Persons engaged in the business of spraying crops for hire are taxable under the service and other business activities classification on the gross income therefrom.

RETAIL SALES TAX

The retail sales tax does not apply upon the sale of feed, seed, fertilizer, and spray materials to farmers as defined herein.

The retail sales tax applies upon the sale of all such articles to consumers other than farmers, unless sold to a person for resale in the regular course of business (, or unless sold to a person for the purpose of commercial production of agricultural products).

The retail sales tax also applies upon sales of spray materials to persons engaged in the business of spraying crops for hire, unless purchased by such persons for the purpose of resale to others for a price separate and apart from the charge made for the actual spreading of the spray.

The retail sales tax does not apply upon sales of any such articles sold to persons for the purpose of producing for sale any agricultural product whatsoever, including substances obtained from animals, birds or insects.

((Thus,)) Sales of feed to persons for use in the cultivating or raising for sale of fish entirely within confined rearing areas or the person's own land or on land in which the person has a present right of possession are expressly exempt of retail sales tax.

Sales of feed (, however large the quantity,) are taxable retail sales when sold to a riding club or race track operator, or for the purpose of feeding pets or work animals, or of producing poultry or eggs for home consumption. Likewise, sales of seed, fertilizer and spray materials (, however large the quantity,) are taxable retail sales when sold to persons for the growing or improving of lawns or home gardens, or for any use other than for resale or for commercial production of agricultural products.

The burden of proving that a sale of any of said articles was not a sale at retail is upon the seller, and all sales will be deemed retail sales unless the seller shall take from the purchaser, ((be he either)) whether a registered dealer or a farmer, a resale certificate in accordance with WAC 458-20-102.

Revised June 1, 1970.

AMENDATORY SECTION (Amending Order ET 83-17, filed 3/15/83)

WAC 458-20-135 EXTRACTING NATURAL PRODUCTS.
((#)) The word "extractor" means every person who, from ((his)) the person's own land or from the land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services, for sale or for commercial or industrial use mines, quarries, takes or produces coal, oil, natural gas, ore, stone, sand, gravel, clay, mineral or other natural resource product, or fells, cuts or takes timber, Christmas trees or other natural products, or takes (, cultivates, or raises) fish, or takes, cultivates, or raises shellfish, or other sea or inland water foods or products (, it). "Extractor" does not include persons performing under contract the necessary labor or mechanical services for others or persons cultivating or raising fish entirely within confined rearing areas on the person's own land or on land in which the person has a present right of possession. (RCW 82.04.100.)

The following examples are illustrative of operations which are included within the extractive activity:

(1) Logging operations, including the bucking, yarding, and loading of timber or logs after felling, as well as the actual cutting or severance of trees. It includes other activities necessary and incidental to logging, such as logging road construction, slash burning, slashing, scarification, stream cleaning, miscellaneous cleaning, and trail work, where such activities are performed pursuant to a timber contract: PROVIDED, That persons performing such activities must identify in their business records the timber contract of which their work is a part.

(2) Mining and quarrying operations, including the activities incidental to the preparation of the products for market, such as screening, sorting, washing, crushing, etc.

(3) Fishing operations, including the taking of any fish, or the taking, cultivating, or raising (, in fresh or salt water,) of ((fish,)) shellfish, or other sea or inland water foods or products (whether on publicly or privately owned beds, and whether planted and cultivated or not) for sale or commercial use. It includes the removal of the meat from the shell, and the cleaning and icing of fish or sea products by the person catching or taking them. It does not include cultivating or raising fish entirely within confined rearing areas under RCW 82.04.100.

((#)) Construction of logging roads on federal or state land in connection with timber contracts, whether as an extractor or extractor for hire:))

BUSINESS AND OCCUPATION TAX

EXTRACTING-LOCAL SALES. Persons who extract products in this state and sell the same at retail in this state are subject to the business and occupation tax under the classification retailing and those who sell such products at wholesale in this state are taxable under the classification wholesaling-all others. Persons taxable under the classification retailing and wholesaling-all others are not taxable under the classification extracting with respect to the extracting of products so sold within this state.

EXTRACTING-INTERSTATE OR FOREIGN SALES. Persons who extract products in this state and sell the same in interstate or foreign commerce are taxable under the classification extracting upon the value of the products so sold, and are not taxable under retailing or wholesaling-all others in respect to such sales. (See also WAC 458-20-193.)

EXTRACTING-FOR COMMERCIAL USE. Persons who extract products in this state and use the same as raw materials or ingredients of articles which they manufacture for sale are not taxable under extracting. (For tax liability of such persons on the sale of manufactured products see WAC 458-20-136, manufacturing, processing for hire, fabricating.)

Persons who extract products in this state for any other commercial or industrial use are taxable under extracting on the value of products extracted and so used. (See WAC 458-20-134 for definition of commercial or industrial use.)

EXTRACTING FOR OTHERS. Persons performing under contract, either as prime or subcontractors, the necessary labor or mechanical services for others who are engaged in the business as extractors, are taxable under the extracting for hire classification of the business and occupation tax upon their gross income from such service. If the contract includes the hauling of the products extracted over public roads, such persons are also taxable under the motor transportation classification of the public utility tax upon that portion of their gross income properly attributable to such hauling. However, the hauling for hire of logs or other forest products exclusively upon private roads is taxable under the service classification of the business and occupation tax upon the gross income received from such hauling. (See WAC 458-20-180.)

FOREST EXCISE TAX

In addition to all other taxes, a person engaged in business as a harvester of timber is subject to the forest excise tax levied by chapter 84.33 RCW. The word "harvester" means every person who from his own privately owned land or from the privately owned land of another under a right or license granted by lease or contract, either directly or by contracting with another for the necessary labor or mechanical services fells, cuts, or takes timber for sale or for commercial or industrial use. It does not include persons performing under contract the necessary labor or mechanical services for a harvester.

See chapter 458-40 WAC for detailed provisions, procedures, and other definitions.

RETAIL SALES TAX

The retail sales tax applies upon all sales of extracted products made at retail by the extractor thereof, except as provided by WAC 458-20-244, Food products.

USE TAX

Persons constructing logging roads ((on state or federal land in connection with)) pursuant to timber contracts are subject to use tax on all materials used in such construction, except for materials on which sales tax was paid at the time of purchase.

AMENDATORY SECTION (Amending Order ET 83-1, filed 3/30/83)

WAC 458-20-210 SALES OF ((FARM)) AGRICULTURAL PRODUCTS BY ((FARMERS)) PERSONS PRODUCING THE SAME. The term "((farm)) agricultural products" as used herein means ((all farm products such as poultry, livestock, fruit, vegetables and grains)) any agricultural or horticultural produce or crop, including any animal, bird, fish, or insect, or the milk, eggs, wool, fur, meat, honey, or other substance obtained therefrom: PROVIDED, That "fish" as used herein means fish which are cultivated and raised entirely within confined rearing areas on land owned by the person so raising the same or on land in which the person has a present right of possession.

((All farmers)) Persons engaging in the business of making retail sales of ((farm)) agricultural products produced by them are required to apply for and obtain a certificate of registration. The certificate

shall remain valid as long as the ((taxpayer)) person remains in business.

BUSINESS AND OCCUPATION TAX

((Farmers are not subject to tax under the wholesaling classification of the business and occupation tax upon)) Persons making wholesale sales of ((farm)) agricultural products ((which have been raised)) produced by them upon land owned by or leased to them are not subject to the business and occupation tax. This exemption does not extend to sales of manufactured or extracted products (see WAC 458-20-135 and 458-20-136)((, nor to the taking, cultivating, or raising of Christmas trees or timber)).

((Farmers)) Retail sales of agricultural products by persons producing the same are subject to tax under the retailing classification of the business and occupation tax ((upon sales of farm products when the farmer)). Thus, tax is due by any such person who holds himself out to the public as a seller by:

- (1) Conducting a roadside stand or a stand displaying ((farm)) agricultural products for sale at retail;
- (2) Posting signs on his premises, or through other forms of advertising soliciting sales at retail;
- (3) Operating a regular delivery route from which ((farm)) agricultural products are sold from door to door; or
- (4) Maintaining an established place of business for the purpose of making retail sales of ((farm)) agricultural products.

((Farmers)) Persons selling ((farm)) agricultural products not ((raised)) produced by them, should obtain information from the department of revenue with respect to their tax liability.

RETAIL SALES TAX

((All farmers)) Persons selling agricultural products produced by them are required to collect the retail sales tax upon all retail sales made by them, except sales of food products exempt under WAC 458-20-244((, when the farmer holds himself out to the public as a seller in any of the ways described above)).

AMENDATORY SECTION (Amending Order ET 83-16, filed 3/15/83)

WAC 458-20-175 PERSONS ENGAGED IN THE BUSINESS OF OPERATING AS A PRIVATE OR COMMON CARRIER BY AIR, RAIL OR WATER IN INTERSTATE OR FOREIGN COMMERCE. The term "private carrier" means every carrier, other than a common carrier, engaged in the business of transporting persons or property for hire.

The term "watercraft" includes every type of floating equipment which is designed for the purpose of carrying therein or therewith persons or cargo. It includes tow boats, but it does not include floating dry docks, dredges or pile drivers, or any other similar equipment.

The term "carrier property" means airplanes, locomotives, railroad cars or water craft, and component parts of the same.

The term "component part" includes all tangible personal property which is attached to and a part of carrier property. It also includes spare parts which are designed for ultimate attachment to carrier property. The said term does not include furnishings of any kind which are not attached to the carrier property nor does it include consumable supplies. For example, it does not include, among other things, bedding, linen, table and kitchen ware, tables, chairs, ice for icing perishables or refrigerator cars or cooling systems, fuel or lubricants.

"Such persons," and "such businesses" mean the persons and businesses described in the title of this rule.

BUSINESS AND OCCUPATION TAX, PUBLIC UTILITY TAX

Persons engaged in such businesses are not subject to business tax or utility tax with respect to operating income received for transporting persons or property in interstate or foreign commerce. (See WAC 458-20-193.)

When such persons also engage in intrastate business activities they become taxable at the rates and in the manner stated in WAC 458-20-179, 458-20-181 and 458-20-193. For example, such persons are taxable under the retailing business tax classification upon the gross proceeds of sales of tangible personal property, including sales of meals, when such sales are made within this state.

Persons selling tangible personal property to, or performing services for, others engaged in such businesses, are taxable to the same extent as they are taxable with respect to sales of property or services made to

other persons in this state. However, on July 1, 1985, a statutory business and occupation tax deduction became effective for sales of fuel for consumption outside the territorial waters of the United States by vessels used primarily in foreign commerce. In order to qualify for this deduction sellers must take a certificate signed by the buyer or the buyer's agent stating: The name of the vessel for which the fuel is purchased; that the vessel is primarily used in foreign commerce; and, the amount of fuel purchased which will be consumed outside of the territorial waters of the United States. Sellers must exercise good faith in accepting such certificates and are required to add their own signed statement to the certificate to the effect that to the best of their knowledge the information contained in the certificate is correct. The following is an acceptable certificate form:

FOREIGN FUEL EXEMPTION CERTIFICATE

SELLER: _____ VESSEL: _____

WE HEREBY CERTIFY that this purchase of (kind and amount of product) from (seller) will be consumed as fuel outside the territorial waters of the United States by the above-named vessel. We further certify that said vessel is used primarily in foreign commerce and that none of the fuel purchased will be consumed within the territorial boundaries of the State of Washington.

DATED _____, 19 _____

Purchaser

Purchaser's Agent

By: _____

Title or Office

When a completed certification such as this is taken in good faith by the seller, the sale is exempt of business and occupation tax, whether made at wholesale or retail, and even though the fuel is delivered to the buyer in this state.

RETAIL SALES TAX

Sales of meals (including those sold to employees, see WAC 458-20-119) and retail sales of other tangible personal property, made by such persons, are subject to the retail sales tax when such sales are made within this state.

By reason of specific exemptions contained in RCW 82.08.0261 and 82.08.0262 the retail sales tax does not apply upon the following sales:

- (1) Sales of airplanes, locomotives, railroad cars, or watercraft for use in conducting interstate or foreign commerce by transporting therein or therewith property and persons for hire;
- (2) Sales of tangible personal property which becomes a component part of such carrier property in the course of constructing, repairing, cleaning, altering or improving the same;
- (3) Sales of or charges made for labor or services rendered with respect to the constructing, repairing, cleaning, altering or improving of such carrier property;
- (4) Sales of any tangible personal property other than the type referred to in 1 and 2 above, for use by the purchaser in connection with such businesses, provided that any actual use thereof in this state shall, at the time of actual use, be subject to the use tax.

Except as to sales of or charges made for labor or services rendered with respect to the constructing, repairing, cleaning, altering or improving of carrier property, the foregoing exemptions are limited to sales of tangible personal property. Hence the retail sales tax applies upon the sales of or charges made for labor or services rendered in respect to (1) the installing, repairing, cleaning, altering, imprinting or improving of any other type of tangible personal property; and in respect to (2) the constructing, repairing, decorating or improving of new or existing buildings or other structures. Thus the retail sales tax applies upon the charge made for repairing within this state of such things as switches, frogs, office equipment, or any other property which is not carrier property. It also applies upon the charge made for laundering linen and bedding. The tax also applies upon the charge made for constructing buildings, such as depots, wharves and hangars, or for repairing, decorating or improving the same.

However, the cost of installing, repairing, cleaning, altering, im- printing or improving of tangible personal property prior to its initial use by the carrier is considered as part of the initial cost of the prop- erty involved and therefore exempt from the sales tax. Thus, for ex- ample, the treating of railroad ties prior to their initial use is considered as part of the original cost of the ties and therefore exempt from the sales tax under RCW 82.08.0261.

EXEMPTION CERTIFICATES REQUIRED. Persons selling tangible per- sonal property or performing services which come within any of the foregoing exemptions are required to obtain from the purchaser, or his authorized agent, a certificate evidencing the exempt nature of the transaction. This certificate must identify the operator of the carrier by name and by its department of revenue registration number, if regis- tered, and if not registered, by address.

The certificate may be in blanket form—that is, may certify as to all future purchases, or individual certificates may be made for each pur- chase. Also the certificate may be incorporated in or stamped upon the purchase order.

The certificate should be in substantially the following form:

EXEMPTION CERTIFICATE

WE HEREBY CERTIFY that all the tangible personal property to be purchased from you will be for use in connection with our business of operating as a (private or common) carrier by (air, rail or water) in (interstate or foreign) commerce; that all (airplanes, locomotives, railroad cars or water craft) or com- ponent parts thereof, to be constructed, repaired, cleaned, altered or improved by you, will be used in conducting (interstate or foreign) commerce; and that all such sales are entitled to exemption from the Retail Sales Tax under the provisions of RCW 82.08.0261 and 82.08.0262.

Dated, 19... (Purchaser) By (Title-Officer or Agent) Address

Department of Revenue Registration No.

USE TAX

The use tax does not apply upon the use of airplanes, locomotives, railroad cars or watercraft, including component parts thereof, which are used primarily in conducting such businesses.

"Actual use within this state," as used in RCW 82.08.0261 does not include use of durable goods aboard carrier property while engaged in interstate or foreign commerce. Thus the use tax does not apply upon the use of furnishings and equipment (whether attached to the carrier or not) intended for use aboard carrier property while operating partly within and partly without this state. Included herein are such items as bedding, table linen and wares, kitchen equipment, tables and chairs, hand tools, hawsers, life preservers, parachutes, and other durable goods which are necessary, convenient or desirable for the proper op- eration of such carrier property.

The use tax does apply upon the actual use within this state of all other types of tangible personal property purchased at retail and upon which the sales tax has not been paid. Included herein are all consum- able goods for use on and placed aboard carrier property while within this state, but only to the extent of that portion consumed herein. Thus the tax applies upon the use of the amount consumed in this state of ice, fuel and lubricants which are placed aboard in this state, and upon food supplies or catered meals placed aboard carrier property in this state and served to customers in this state by transportation companies when the meals so served are included in the charge for transportation. (The retail sales tax must be collected upon separate sales within this state of meals or other tangible personal property.) The tax does not apply upon the use within this state of any part of consumable goods for use on carrier property and placed aboard outside this state.

Liability for the use tax arises at the time of actual use thereof in this state.

Due to the difficulty in many cases of determining at the time of purchase whether or not the property purchased or a part thereof will be put to use in this state and due to the resulting accounting problems involved, persons engaged in the business of operating as private or

common carriers by air, rail or water in interstate or foreign commerce will be permitted to pay the use tax directly to the department of re- venue rather than to the seller, and such sellers are relieved of the lia- bility for the collection of such tax. This permission is limited, however, to persons duly registered with the department. The registra- tion number given on the certificate which will be furnished to the seller ordinarily will be sufficient evidence that the purchaser is prop- erly registered.

As to persons operating in interstate or foreign commerce as carriers by air, rail or water who are not registered with the department and who, therefore, are not regularly filing tax returns with the depart- ment, sellers of durable goods must either collect the use tax at the time of the sale or require from such purchasers a further certificate to the effect that no part of the subject matter of the sale is for actual use in this state.

Similarly, where consumable goods, such as ice, bunker fuel, or lub- ricants are purchased by or for carriers not registered with the depart- ment, and delivered on board a carrier regularly engaged in interstate or foreign commerce for consumption while both within and without the territorial boundaries of the state of Washington, the seller is re- quired to collect from the buyer the amount of use tax applicable to that portion of the products sold which will be consumed within this state.

It will be presumed that the entire amount of the goods purchased will be consumed within this state unless the seller obtains from the buyer a certificate certifying as to the amount thereof which will be consumed while within the territorial boundaries hereof.

The certificate shall be made by the master or chief engineer of the carrier, or by some other person known by the seller to be competent to make the same, and shall be substantially in the following form:

CERTIFICATE

Seller Purchaser Name of Carrier Name of Owner or Agent

The undersigned does hereby certify as follows:

(1) The purchaser has this day purchased from the seller in the State of Washington certain amounts of (type of goods purchased), and has taken delivery thereof aboard said carrier for its exclusive use while regularly engaged in transporting persons or property for profit in interstate or foreign commerce.

(2) While the said carrier is within the territorial boundaries of the state of Washington, it will consume the following amounts of the commodities purchased:

- barrels of fuel oil gallons of lubricants pounds of grease other consumable goods

Dated, 19... Name Office or Title

AMENDATORY SECTION (Amending Order ET 83-16, filed 3/15/83)

WAC 458-20-193C IMPORTS AND EXPORTS—SALES OF GOODS FROM OR TO PERSONS IN FOREIGN COUNTRIES.

((Rule 193-f)) WAC 458-20-193((f)) deals with interstate and for- eign commerce and is published in four separate parts:

- Part A. Sales of goods originating in Washington to persons in other states. Part B. Sales of goods originating in other states to persons in Washington. Part C. Imports and exports: Sales of goods from or to persons in foreign countries. Part D. Transportation, communication, public utility activities, or other services in interstate or foreign commerce.

Part C.

FOREIGN COMMERCE

Foreign commerce means that commerce which involves the purchase, sale or exchange of property and its transportation from a state or territory of the United States to a foreign country, or from a foreign country to a state or territory of the United States.

IMPORTS. An import is an article which comes from a foreign country (not from a state, territory or possession of the United States) for the first time into the taxing jurisdiction of a state.

Taxation of such goods is impermissible while the goods are still in the process of importation, i.e., while they are still in import transportation. Further, such goods are not subject to taxation if the imports are merely flowing through this state on their way to a destination in some other state.

EXPORTS. An export is an article which originates within the taxing jurisdiction of the state destined for a purchaser in a foreign country. Thus ships stores and supplies are not exports.

BUSINESS AND OCCUPATION TAX

WHOLESALE AND RETAILING.

IMPORTS. Sales of imports by an importer or his agent are not taxable and a deduction will be allowed with respect to the sales of such goods, if at the time of sale such goods are still in the process of import transportation. Immunity from tax does not extend: (1) To the sale of imports to Washington customers by the importer thereof or by any person after completion of importation whether or not the goods are in the original unbroken package or container; nor (2) to the sale of imports subsequent to the time they have been placed in use in this state for the purpose for which they were imported; nor (3) to sales of products which, although imports, have been processed or handled within this state or its territorial waters.

EXPORTS. A deduction is allowed with respect to export sales when as a necessary incident to the contract of sale the seller agrees to, and does deliver the goods (1) to the buyer at a foreign destination; or (2) to a carrier consigned to and for transportation to a foreign destination; or (3) to the buyer at shipside or aboard the buyer's vessel or other vehicle of transportation under circumstances where it is clear that the process of exportation of the goods has begun, and such exportation will not necessarily be deemed to have begun if the goods are merely in storage awaiting shipment, even though there is reasonable certainty that the goods will be exported. The intention to export, as evidenced for example, by financial and contractual relationships does not indicate "certainty of export" if the goods have not commenced their journey abroad; there must be an actual entrance of the goods into the export stream.

In all circumstances there must be (a) a certainty of export and (b) the process of export must have started.

It is of no importance that title and/or possession of the goods pass in this state so long as delivery is made directly into the export channel. To be tax exempt upon export sales, the seller must document the fact that he placed the goods into the export process. That may be shown by the seller obtaining and keeping in his files any one of the following documentary evidence:

- (1) A bona fide bill of lading in which the seller is shipper/consignor and by which the carrier agrees to transport the goods sold to the foreign buyer/consignee at a foreign destination; or
- (2) A copy of the shipper's export declaration, showing that the seller was the exporter of the goods sold; or
- (3) Documents consisting of:
 - (a) Purchase orders or contracts of sale which show that the seller is required to get the goods into the export stream, e.g., "f.a.s. vessel;" and
 - (b) Local delivery receipts, tripsheets, waybills, warehouse releases, etc., reflecting how and when the goods were delivered into the export stream; and
 - (c) When available, United States export or customs clearance documents showing that the goods were actually exported; and
 - (d) When available, records showing that the goods were packaged, numbered, or otherwise handled in a way which is exclusively attributable to goods for export.

Thus, where the seller actually delivers the goods into the export stream and retains such records as above set forth, the tax does not apply. It is not sufficient to show that the goods ultimately reached a foreign destination; but rather, the seller must show that he was required to, and did put the goods into the export process.

Sales of tangible personal property, of ships stores, and supplies to operators of steamships, etc., are not deductible irrespective of the fact that the property will be consumed on the high seas, or outside the territorial jurisdiction of this state, or by a vessel engaged in conducting foreign commerce. However, on July 1, 1985, a statutory business and occupation tax deduction became effective for sales of fuel for consumption outside the territorial waters of the United States by vessels used primarily in foreign commerce. In order to qualify for this deduction sellers must take a certificate signed by the buyer or the buyer's agent stating: The name of the vessel for which the fuel is purchased; that the vessel is primarily used in foreign commerce; and, the amount of fuel purchased which will be consumed outside of the territorial waters of the United States. Sellers must exercise good faith in accepting such certificates and are required to add their own signed statement to the certificate to the effect that to best of their knowledge the information contained in the certificate is correct. The following is an acceptable certificate form:

FOREIGN FUEL EXEMPTION CERTIFICATE

SELLER: _____ VESSEL: _____

WE HEREBY CERTIFY that this purchase of (kind and amount of product) from (seller) will be consumed as fuel outside the territorial waters of the United States by the above-named vessel. We further certify that said vessel is used primarily in foreign commerce and that none of the fuel purchased will be consumed within the territorial boundaries of the State of Washington.

DATED _____, 19____

_____ Purchaser

_____ Purchaser's Agent

By: _____

_____ Title or Office

When a completed certification such as this is taken in good faith by the seller, the sale is exempt of business and occupation tax, whether made at wholesale or retail, and even though the fuel is delivered to the buyer in this state.

EXTRACTING, MANUFACTURING. Persons engaged in these activities in Washington and who transfer or make delivery of articles produced to points outside the state are subject to business tax under the extracting or manufacturing classification and are not subject to business tax under the retailing or wholesaling classification. See also ((Rules 135 and 136 f))WAC 458-20-135 and 458-20-136((f)). The activities taxed occur entirely within the state, are inherently local, and are conducted prior to the commercial journey. The tax is measured by the value of products as determined by the selling price. See ((Rule 112 f))WAC 458-20-112((f)). It is immaterial that the value so determined includes an additional increment of value because the sale occurs outside the state.

RETAIL SALES TAX

The same principles apply to the retail sales tax as are set forth for business and occupation tax above, except that certain statutory exemptions may apply. (See ((Rules 174, 175, 176, 177, 238 and 239 f))WAC 458-20-174, 458-20-175, 458-20-176, 458-20-177, 458-20-238 and 458-20-239((f)).)

USE TAX

The use tax is imposed upon the use, including storage, of all tangible personal property acquired for any use or consumption in this state unless specifically exempt by statute.

WSR 86-03-044
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 86-01—Filed January 14, 1986]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the harvestable numbers of Pacific whiting are not present.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 14, 1986.

By Gene DiDonato
 for William R. Wilkerson
 Director

NEW SECTION

WAC 220-48-01500T PACIFIC WHITING TRAWL CLOSURE. *Notwithstanding the provisions of WAC 220-48-015, 220-48-017, and 220-48-019, effective 12:01 a.m. January 15, 1986 until further notice it is unlawful to fish for or possess Pacific whiting taken for commercial purposes from Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas 24B, 24C, or 26A.*

WSR 86-03-045
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Order 2326—Filed January 15, 1986]

I, Lee D. Bomberger, acting director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Eligibility determinations—SSI, amending WAC 388-92-015.

This action is taken pursuant to Notice No. WSR 85-24-012 filed with the code reviser on November 25, 1985. These rules shall take effect thirty days after they

are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 15, 1986.

By Lee D. Bomberger, Acting Director
 Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 2218, filed 3/20/85)

✓ **WAC 388-92-015 ELIGIBILITY DETERMINATION—SSI.** (1) For the purposes of medical assistance related to SSI, the applicant must be:

(a) Age 65 or over; or

(b) Blind, with central visual acuity of 20/200 or less in the better eye with the use of a correcting lens, or with a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees; or

(c) Disabled, that is, unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months or, in the case of a child under the age of 18, if he suffers from any medically determinable physical or mental impairment of comparable severity. Decisions on SSI related disability are the responsibility of the office of disability insurance benefits, division of medical assistance, and are subject to the authority of federal statutes and regulations codified at 42 U.S.C. Sec. 1382c and 20 C.F.R. Parts 404 and 416, as amended, as well as controlling federal court decisions, which define the OASDI and SSI disability standard and determination process.

(d) The ineligible spouse of an SSI beneficiary receiving a state supplement payment for the ineligible spouse is not eligible for Medicaid as categorically needy.

(2) A resident of Washington who requires medical assistance outside the United States will be provided care according to chapter 388-82 WAC.

(3) The applicant and/or recipient must be resource eligible (see WAC 388-92-050) on the first day of the month to be eligible for any day or days of that month. The resource determination is made as of the first moment of the first day of the month. Changes in the amount of countable resources during a month do not affect eligibility or ineligibility for that month.

WSR 86-03-046
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2327—Filed January 15, 1986]

I, Lee D. Bomberger, acting director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to prepaid health plans, new section WAC 388-86-009.

This action is taken pursuant to Notice No. WSR 85-23-075 filed with the code reviser on November 20, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 15, 1986.

By Lee D. Bomberger, Acting Director
 Division of Administration and Personnel

NEW SECTION

WAC 388-86-009 PREPAID HEALTH PLANS.

(1) The department may enter into agreements with prepaid health plans including, but not limited to, Health Maintenance Organizations (HMOs), Preferred Provider Organizations (PPOs) and Health Insuring Organizations (HIOs). Eligible recipients enrolled in such plans are required to utilize the providers and services covered under these plans exclusively, except for services not included in the agreement or for service delivery arrangements otherwise approved by the department.

(2) Enrollment in these plans may be voluntary or mandatory depending on the requirements of the plan as determined by the department.

(3) Effective February 1, 1986, certain recipients will be enrolled in a Health Insuring Organization designated by the department. Enrollment in this plan is mandatory for individuals certified as recipients of aid to families with dependent children—regular (AFDC-R), who live in Kitsap and Mason counties.

WSR 86-03-047
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2329—Filed January 15, 1986]

I, Lee D. Bomberger, acting director of the Division of Administration and Personnel, do promulgate and

adopt at Olympia, Washington, the annexed rules relating to Durable medical equipment—Prosthetic devices, amending WAC 388-86-100 and new section WAC 388-87-110.

This action is taken pursuant to Notice No. WSR 85-24-068 filed with the code reviser on December 4, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 15, 1986.

By Lee D. Bomberger, Acting Director
 Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 1868, filed 8/18/82)

✓ **WAC 388-86-100 DURABLE MEDICAL EQUIPMENT—PROSTHETIC DEVICES.** (1) The ~~((department shall))~~ division of medical assistance will authorize the purchase and/or rental of ((durable)) medically necessary medical equipment, prosthetic devices, and other disposable/nonreusable medical ((equipment only when such items will)) supplies when the division is the payor of last resort and when the item requested:

(a) Will reduce the length of hospitalization,

(b) Will aid the rehabilitation of an employable person,

(c) Is not included with other reimbursement methodologies such as, but not limited to, diagnosis related group (DRG) for hospital inpatients, or a nursing homes per diem reimbursement; and

(d) Will enable ((the person)) a recipient to return to or continue to live in his/her own home((:));

~~((d))~~ (e) Will be used ((full-time)) exclusively by a nursing home ((patient who will benefit materially from its use,

~~(e) Result in financial saving to the department.~~

~~(2) Prior approval by the medical director of the division of medical assistance is required for purchase of medical equipment or prosthetic devices costing one thousand dollars or more, except as described in subsection (4) of this section.~~

~~(3) Prior approval by the local medical consultant is required for:~~

~~(a) Purchase of medical equipment or prosthetic devices costing less than one thousand dollars, except as described in subsections (4) and (5) of this section;~~

~~(b) All rentals and repairs of medical equipment.~~

~~(4) No approval is required for the purchase of external braces involving the neck, trunk and extremities; nor pressure garments, support hose, canes, or wood crutches.~~

~~(5) Other nonreusable items costing less than one hundred fifty dollars do not require approval if provision~~

of the appliance will expedite a recipient's release from a hospital:

~~(6) A recipient who has Medicare part B benefits must utilize this resource for the purchase or rental of any items provided by Medicare. Payment of Medicare coinsurance and deductibles will be made by the department for purchase of all Medicare items)) recipient for whom it is requested, for a permanent disability.~~

~~((7)) (2) Medical equipment and supplies purchased or reissued by the ((department)) division of medical assistance become the property of the recipient for whom they are purchased/reissued.~~

~~(3) The division of medical assistance will normally authorize the purchase and/or repair of only one wheelchair, manual or power-drive, per recipient. However, another wheelchair will be provided and/or repaired when medically necessary.~~

~~(4) Durable medical equipment, prosthetic devices and disposable/nonreusable supplies that require approval prior to delivery of service include: Prosthetic limbs; orthotics for the upper and lower extremity; impression casting; orthopedic shoes and braces for orthopedic shoes; osteogenesis stimulator-noninvasive; certain communication devices; transcutaneous nerve stimulators; walk aids with a seat-wheels and brakes; drop-arm commodes; wheeled shower chairs; blood pressure kits; blood glucose monitors; air and gel cushions; fracture frames; wheelchairs; wheelchair repair parts and accessories; hospital beds; diapers and labor charges.~~

NEW SECTION

✓ WAC 388-87-110 DURABLE MEDICAL EQUIPMENT—PROSTHETIC DEVICES. (1) Durable medical equipment is reimbursed using a fee schedule with maximums based on manufacturer's suggested retail prices and, in certain instances, Medicare maximums.

(2) The reimbursement for medical equipment and prosthetic devices that are purchased/rented shall include but not be limited to:

(a) The manufacturer's warranty; and

(b) Any adjustments and/or modifications required to the equipment within three months of the date of service (for purchases) or during the total rental period (for rentals), except those occasioned by changes in the patient's condition; and

(c) Instruction to the recipient in the safe usage of the equipment; and

(d) Cost of freight from the manufacturer and delivery to the recipient's residence and, when appropriate, to the room in which the equipment will be used.

WSR 86-03-048
PROPOSED RULES
LIBRARY COMMISSION
[Filed January 15, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Library Commission intends to adopt, amend, or repeal rules concerning rules and regulations for operating the western library network, SSB 3047, chapter 21, Laws of 1985, chapter 304-25 WAC, western library network computer service;

that the agency will at 10:00 a.m., Thursday, March 13, 1986, in the Conference Room, Timberland Regional Library Service Center, 415 Airdustrial Way S.W., Olympia, WA 98501, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is chapter 27.26 RCW.

The specific statute these rules are intended to implement is chapter 21, Laws of 1985.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 13, 1986.

Dated: January 9, 1986

By: Nancy L. Zussy
Acting State Librarian

STATEMENT OF PURPOSE

Title: Chapter 304-25 WAC, rules and regulations, western library network computer service.

Purpose of Sections: To eliminate reference to Washington alternates on the computer service council and to clarify ambiguous language.

Statutory Authority: Chapter 27.26 RCW.

Summary of the Rules: Revisions will change a reference to Washington library network to western library network; clarify that other states are to determine the term and method of selecting their representatives; clarify that a minimum of three of Washington's representatives shall be from principal member libraries; and delete all references to Washington alternates.

Agency Personnel for Drafting, Implementation and Enforcement: Nancy L. Zussy, Acting State Librarian, Washington State Library, AJ-11, Olympia, WA 98504-0111, (206) 753-2916.

Proponents of the Rule: Changes were drafted by the western library network staff with the concurrence of the western library network computer service council and the Washington State Library Commission.

AMENDATORY SECTION (Amending Order 1-80, filed 1/11/80)

WAC 304-25-030 DEFINITIONS. (1) "Communication systems" are methods by which information, thoughts, or opinions are exchanged, transmitted or imparted across distances by writing, signs, telecommunication or public or private delivery services.

(2) "Computer service" means the communications facilities, computers, and peripheral computer devices and software supporting the automated library system and resource sharing network, developed by the state of Washington.

(3) "Continuing education and training" pertains to planned learning activities to provide relevant knowledge and/or skills for improvement of competencies and development of staff. Learning activities include group and individual experiences, academic instruction, workshops, seminars, programmed instruction, use of educational technology, and other learning experiences.

(4) "Interlibrary loan system" means the accepted procedures among libraries by which library materials are made available in some format to users of another library.

(5) "Interlibrary system" is defined as a cooperative, or agreements among libraries, library systems, and/or related organizations and institutions crossing jurisdictional, institutional, and/or political boundaries to provide a common enterprise for mutual benefits.

(6) "Library" means any of the following:

(a) Academic library in a community college, college or university either publicly or privately funded;

(b) Public library supported in whole or in part with moneys derived from taxation, which renders library/information service to the general population;

(c) School learning resources centers in the publicly supported common school system or in a privately supported school;

(d) Special library in public or private sector whose collection is limited in subject scope and size, characterized by depth of subject coverage, and serving a specialized clientele.

(7) "Library service area" is a geographic subdivision of Washington state, established by the Washington state library commission, within which libraries organize for the purpose of working cooperatively to promote multitype library cooperation and mutual support at the local level. Boundaries of library service areas are determined on the basis of the following criteria: Existing public library boundaries; commonality with existing boundaries of multicounty educational and social agencies; location of public institutions of higher education; recognition of current transportation and communication patterns; and population.

(8) "Network" means the (~~Washington~~) western library network which is an organization of autonomous, geographically dispersed participants using the interlibrary system, the reference and referral system, the telecommunications system, and the WLN computer service to facilitate resource sharing.

(9) "Network service center" is the Washington state library which is responsible for the efficient, effective, and coordinated development and utilization of the network components.

(10) "Protocols" are codes or rules prescribing correct or preferred methods, or routines of accessing and using the resources and services.

(11) "Reference and referral system" pertains to procedures among libraries whereby subject or fact-oriented queries may be referred to another institution when the answering resource or subject expertise is unavailable in the institution originally queried.

(12) "Resource sharing" means a system whereby all people in the state of Washington may have access to library and information resources through utilization of established protocols and procedures regardless of the individual's location, social or physical condition or level of intellectual development.

(13) "Resources" are library materials which include but are not limited to print, nonprint (e.g., audiovisual, realia, etc.), and microform formats; network resources such as software, hardware, and equipment; electronic and magnetic records; data bases; communication technology; facilities; and human expertise.

(14) "Telecommunications" includes any point to point transmission, emission, or reception of signs, signals, writing, images, and sounds or intelligence of any nature by wire, radio, microwave radio, optical, or other electromagnetic system, including any intervening processing and storage serving a point to point system. The telecommunications associated with the computer service shall be excluded from network purview.

AMENDATORY SECTION (Amending Order 85-02, filed 9/24/85)

WAC 304-25-560 COMPUTER SERVICE COUNCIL. (1) The WLN computer service council hereinafter referred to as the computer service council shall have an upper limit of eleven representatives (~~elect~~) from (~~and by the~~) members in participating states. The term for Washington computer service council members shall be three years except when resignation, withdrawal from membership, or other

factors limit the term of service. (~~Two Washington state alternates will also be selected for a one-year term.~~) Washington representatives shall be elected by principal members in Washington state. Other states will determine the term and method of selecting their representatives and alternates.

(2) The computer service council shall have the following representation: Four members representing libraries within Washington state, at least three of whom shall be from principal member libraries; one member representing each of the other states where at least three libraries participate in the computer service. The executive officer of the computer service shall have ex officio and voting status.

(3) Elected representatives on the computer service council shall serve no more than two consecutive full terms. Former representatives, after an interval of at least one year, may be reelected.

(4) (~~Any vacancy which occurs among Washington representatives during an unexpired term shall be filled by appointment from the alternate positions as designated by the Washington members of the computer service council.~~

(~~5~~) Officers of the computer service council shall be the chairperson and vice chairperson who shall be elected from and by the computer service council for a one-year term. The executive officer of the computer service, or designee, shall serve as secretary.

(~~6~~) (5) The computer service council shall develop and establish procedures or bylaws for the conduct of meetings and transaction of business.

WSR 86-03-049

PROPOSED RULES

UTILITIES AND TRANSPORTATION COMMISSION

[Filed January 15, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Utilities and Transportation Commission intends to adopt, amend, or repeal rules relating to Transportation of radioactive materials—Driving and parking rules, WAC 480-12-196. Cause No. TV-1923. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed adoption on economic values, pursuant to chapter 42.21H [43.21H] RCW and WAC 480-08-050(17);

that the agency will at 9:00 a.m., Wednesday, January 22, 1986, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 Evergreen Park Drive South, Olympia, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 80.01.040 and 81.80.290.

The specific statute these rules are intended to implement is none.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before January 21, 1986.

This notice is connected to and continues the matter in Notice No. WSR 85-23-024 filed with the code reviser's office on November 13, 1985.

Dated: January 15, 1986

By: Paul Curl
Acting Secretary

WSR 86-03-050
PROPOSED RULES
DEPARTMENT OF LABOR AND INDUSTRIES
 [Filed January 15, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning rules and fee schedule governing payment to doctors and other health care vendors rendering service to injured workers.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on January 30, 1986.

The authority under which these rules are proposed is RCW 51.04.020(4) and 51.04.030.

This notice is connected to and continues the matter in Notice No. WSR 86-01-054 filed with the code reviser's office on December 16, 1985.

Dated: January 15, 1986
 By: R. A. Davis
 Director

WSR 86-03-051
ADOPTED RULES
PUBLIC WORKS BOARD
 [Resolution No. 85-17—Filed January 15, 1986]

Be it resolved by the Public Works Board, acting at the Small Auditorium, Sea-Tac International Airport Terminal Building, that it does adopt the annexed rules relating to the operations and procedures of the Public Works Board, including board meetings, public records, public works loans and pledges, and compliance with the State Environmental Policy Act.

This action is taken pursuant to Notice No. WSR 85-21-083 filed with the code reviser on October 23, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Public Works Board as authorized in section 10, chapter 446, Laws of 1985.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED December 3, 1985.
 By Robert C. Anderson
 Chairman

NEW SECTION

WAC 399-30-040 BOARD DELIBERATIONS.

(1) The board will consider and prioritize, or disapprove, all applications for loans or financing guarantees at regular or special meetings of the board. The applicant will be notified of meetings at which its application will be considered.

(2) Applications will be evaluated and prioritized in accordance with the following procedures:

(a) Staff will log in all applications as received.

(b) Staff will review all applications for compliance with the minimum qualification requirements of WAC 399-30-030(2) in application form A. Jurisdictions whose applications do not meet the minimum qualification requirements will be notified in writing of the disqualification.

(c) Staff will perform a preliminary evaluation of all applications which meet the requirements of WAC 399-30-030(2). Applications will be scored according to the number of points awarded for responses provided in the statements of local effort and project need.

(i) Up to two hundred points may be awarded in the evaluation of the applicant jurisdiction's demonstration that it is making a reasonable effort to meet its public works needs:

(A) In application form C "road, bridges or storm sewer projects", responses to questions 26 through 31 will be evaluated to determine this score.

(B) In application form D "water projects" responses to questions 32 through 35 and to questions 37 through 39 will be evaluated to determine this score.

(C) In application for E "sanitary sewer projects", responses to questions 41 through 44 and to questions 46 through 48 will be evaluated to determine this score.

(ii) Up to three hundred points may be awarded in the evaluation of each application's demonstration of need for the proposed project:

(A) Up to two hundred points may be awarded in the evaluation of the statements of project need and health and safety impacts provided in applicant responses to questions 8, 9, and 21.

(B) Up to one hundred points may be awarded in the evaluation of responses to questions 20, 22, and 23 that indicate natural disasters, emergency public works needs and joint projects.

(d) Staff will provide the board with preliminary evaluation and scoring of the applications, including a summary of each proposal. All application materials will be available to the Board for their deliberations. The Board will develop a ranked list of projects based on the information provided to them by the staff and the applications.

(e) The board will then adjust the ranked list in consideration of the following factors:

(i) geographical balance;

(ii) economic distress;

(iii) type of projects;

(iv) readiness to proceed;

(v) size of projects.

(f) Staff will verify critical information on each project as required by the board.

(g) The board may consult on any issue it wishes to address, with officials of jurisdictions having projects on the list recommended for funding.

(3) Applicants will be notified in writing of board decisions.

WSR 86-03-052
ADOPTED RULES
DEPARTMENT OF GAME
(Game Commission)
 [Order 265—Filed January 15, 1986]

Be it resolved by the State Game Commission, acting at the Westwater Inn, Evergreen Park Drive S.W., Olympia, Washington 98502, that it does adopt the annexed rules relating to description of central and field organization of the Department of Game, amending WAC 232-12-804.

This action is taken pursuant to Notice No. WSR 85-22-061 filed with the code reviser on November 5, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 77.12.040 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 6, 1986.

By Archie U. Mills
 Chairman, Game Commission

AMENDATORY SECTION (Amending Order 174, filed 10/22/81)

✓ WAC 232-12-804 DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION OF THE DEPARTMENT OF GAME. The headquarters of the department of game, the director and the administrative staff is located at 600 No. Capitol Way, Olympia, Washington, 98504. In addition, the department has six regional offices, each of which supervises department activities within its respective area. Their locations are:

Region 1	North 8702 Division Street Spokane, WA 99218
Region 2	1540 Alder Street N.W. Ephrata, WA 98823
Region 3	2802 Fruitvale Blvd. Yakima, WA 98902
Subregional office	Wenatchee District Office 3860 Chelan Highway North Wenatchee, WA 98801
Region 4	((509 Fairview Ave. North Seattle, WA 98109)) <u>16018 Mill Creek Blvd.</u> <u>Mill Creek, WA 98012</u>
Region 5	5405 N.E. Hazel Dell Ave. Vancouver, WA 98663
Region 6	905 E. Heron Aberdeen, WA 98520

WSR 86-03-053
ADOPTED RULES
DEPARTMENT OF GAME
(Game Commission)
 [Order 266—Filed January 15, 1986]

Be it resolved by the State Game Commission, acting at the Westwater Inn, Evergreen Park Drive S.W., Olympia, Washington 98502, that it does adopt the annexed rules relating to:

Rep WAC 232-12-806 Operations and procedures.
 New WAC 232-12-807 Operations and procedures.

This action is taken pursuant to Notice No. WSR 85-23-067 filed with the code reviser on November 20, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 77.12.040 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 6, 1986.

By Archie U. Mills
 Chairman, Game Commission

NEW SECTION

✓ WAC 232-12-807 OPERATIONS AND PROCEDURES. The department of game is a public service agency whose statutory responsibility is to preserve, protect, and perpetuate all forms of wildlife in the state of Washington and to serve the public by providing the maximum amount of wildlife-oriented recreation consistent with sound biological management.

The state game commission consists of six members appointed by the governor. They serve a term of six years each. Terms are arranged so that appointments of two members expire every two years. By law, three commissioners are appointed from eastern Washington and three from western Washington. The game commission establishes regulations, sets overall policies to guide the department, and appoints the director of game. The director is responsible for all activities of the department of game and reports directly to the game commission.

Organization of the department of game is one of decentralized management. A deputy director and two assistant directors aid in the operation and administration of the department. The Olympia staff consists of seven division administrators who head up areas of program planning and coordination. Completing the staff is a planning section and a special assistant to the director for federal affairs.

The fisheries management division is responsible for research, program development, planning and coordination of management for all fish classified as game fish.

The wildlife management division is responsible for research, planning, program development, and coordination of management for all wildlife in the state other than fish. Major activities of this division relate to big game species, a variety of small game including birds, non-hunted wildlife, and management of wildlife areas.

The habitat management division is responsible for research, planning, program development and coordination for protection, restoration, and enhancement of wildlife and fish habitat areas through the use of environmental laws and public education. A major portion of this program is related to cooperative contractual agreements with other land managers and private landholders.

The enforcement division is responsible for planning, program development, and coordination of enforcement and wildlife control activities.

The engineering and lands division is responsible for engineering and design, construction, maintenance, surveying, land acquisition, and property management services. The division also prepares and implements the department's capital budget.

The management services division has responsibility for the budget development, accounting, federal aid coordination, payroll, printing, mailing, purchasing, vendor payments, warehouse services, safety, maintenance of archives, department's license management, and data processing.

The information and education division is responsible for planning and program development of the hunter education and safety training, Project WILD for school children, various publications, trapper training, interpretive displays, newsletters, news releases, and radio and television public service announcements.

The department of game has six administrative regions in the state; three on the eastside, three on the westside. Each region is administered by a regional supervisor who is responsible for all department programs within his assigned region. They are assisted by program managers for the key areas of enforcement, habitat, wildlife, and fisheries. Program implementation is carried out primarily by field agents and biological or production staff.

The game commission, through the public meeting process, establishes all rules and regulations that govern departmental activities. This includes establishment of hunting and fishing seasons; approval of land acquisitions or exchanges; coordination with other federal, state, county, or city programs; and adjudication of requests for license reinstatements when individual privileges have been revoked in accordance with RCW's.

The game commission holds four statutory meetings each year in January, April, July, and October, and other special meetings as necessary to conduct its business.

REPEALER

The following section of Washington Administrative Code is hereby repealed:

✓ WAC 232-12-806 OPERATIONS AND PROCEDURES

WSR 86-03-054
ADOPTED RULES
DEPARTMENT OF GAME
(Game Commission)
 [Order 267—Filed January 15, 1986]

Be it resolved by the State Game Commission, acting at the Westwater Inn, Evergreen Park Drive S.W., Olympia, Washington 98502, that it does adopt the annexed rules relating to Duplicate licenses, tags, etc.—Rules for issuance, amending WAC 232-12-189.

This action is taken pursuant to Notice No. WSR 85-22-059 filed with the code reviser on November 5, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 77.32.256 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 6, 1986.

By Archie U. Mills
 Chairman, Game Commission

AMENDATORY SECTION (Amending Order 174, filed 10/22/81)

✓ WAC 232-12-189 DUPLICATE LICENSES, TAGS, ETC.—RULES FOR ISSUANCE. ((Application)) Request for replacement of licenses, permits, tags, stamps or punchcards required by chapter 77.32 RCW, which have been lost, mutilated, or stolen, must be made ((on a form supplied by the department)) by the licensee.

((All applicable information indicated on the form must be provided and the form must be notarized.))

Duplicate licenses, permits, tags, stamps and punchcards may be issued ((only)) at department offices or by ((department employees authorized by the director)) game license dealers.

WSR 86-03-055
ADOPTED RULES
DEPARTMENT OF GAME
(Game Commission)
 [Order 268—Filed January 15, 1986]

Be it resolved by the State Game Commission, acting at the Westwater Inn, Evergreen Park Drive S.W., Olympia, Washington 98502, that it does adopt the annexed rules relating to requirements of license dealers, amending WAC 232-12-241.

This action is taken pursuant to Notice No. WSR 85-22-060 filed with the code reviser on November 5, 1985. These rules shall take effect thirty days after they are

filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 77.04.020, 77.32.256 and 77.32.050 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 6, 1986.

By Archie U. Mills
Chairman, Game Commission

AMENDATORY SECTION (Amending Order 174, filed 10/22/81)

✓ WAC 232-12-241 REQUIREMENTS OF LICENSE DEALERS. (1) The director may deputize persons, firms or corporations as license dealers in such numbers as deemed necessary, for the purpose of issuing licenses, permits, tags, stamps, and punchcards.

(2) All persons, firms or corporations so deputized shall provide the director with a good and sufficient bond in such amount as the director shall determine, such bond to guarantee full and complete payment for all licenses, permits, tags, stamps, and punchcards sold or not remitted by the dealer.

(3) License dealers shall remit all moneys collected from the sale of licenses, permits, tags, stamps, and punchcards by the 10th day of the following month in which the licenses are sold.

(4) License dealers must issue licenses, permits, tags, stamps, and punchcards in accordance with instructions provided by the department in the license dealer's manual.

(5) All records held pursuant to the statutes and regulations dealing with license dealers must be open to inspection by a wildlife agent or department designee at reasonable times.

(6) License dealers may charge an agent fee of \$1.00 for the issuance of each license document and 50¢ for the issuance of each tag, permit, special hunting permit application, and the state migratory waterfowl stamp.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 86-03-056
ADOPTED RULES
DEPARTMENT OF LICENSING
(Board of Medical Examiners)
[Order PL 577—Filed January 15, 1986]

Be it resolved by the Board of Medical Examiners, acting at Seattle, Washington, that it does adopt the annexed rules relating to examinations accepted for reciprocity or waiver, WAC 308-52-270.

This action is taken pursuant to Notice No. WSR 85-24-076 filed with the code reviser on December 4, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.71.017 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 10, 1986.

By Barbara Schneidman, MD
Chair, BME

AMENDATORY SECTION (Amending Order PL 508, filed 1/18/85)

✓ WAC 308-52-270 EXAMINATIONS ACCEPTED FOR RECIPROCITY OR WAIVER. (1) The board of medical examiners may accept certain examinations as a basis for reciprocity ((of) or waiver of examination. These include the examinations given by the federation of state licensing boards (FLEX), and those given by other states. The minimum passing score will depend upon the quality of the examination using the FLEX I and II examination as a guide.

(2) An applicant who has satisfactorily passed examinations given by the national board of medical examiners; or the Medical Council of Canada and holds a valid LMCC certificate obtained after 1969, may be granted a license without examination: PROVIDED, That the applicant has not previously failed to pass an examination held in this state.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 86-03-057
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF LICENSING
[Memorandum—January 15, 1986]

The Department of Licensing has established the following hearing date and place to present the results of the recent marine fuel use study:

10:00 a.m.
February 19, 1986
Third Floor Conference Room
Department of Licensing
Highways-Licenses Building
12th Avenue and Franklin Street
Olympia, WA 98504

The study to determine the amount or proportion of moneys paid to the department as motor vehicle fuel tax which is tax on marine fuel is in accordance with the

provisions of RCW 43.99.030. The study period covered September 1, 1984, through August 31, 1985.

The information is important as it establishes the amount of unrefunded marine fuel tax available for deposit in the outdoor recreation account. These funds are administered by the Interagency Committee for Outdoor Recreation (IAC) and used to acquire and develop boating facilities statewide.

Should you wish to express your views on this study you may attend this hearing to do so. You may also contact the Department of Licensing in writing at the above address on or before February 10, 1986, to make your thoughts known.

WSR 86-03-058
EMERGENCY RULES
DEPARTMENT OF CORRECTIONS
[Order 86-01—Filed January 16, 1986]

I, Amos E. Reed, director of the Department of Corrections, do promulgate and adopt at Olympia, Washington, the annexed rules relating to disposition of earnings, adopting WAC 137-56-015.

I, Amos E. Reed, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is this rule is necessary to clarify RCW 72.65.050 and to comply with legislative intent that payment of room and board charges be made from the work release participant's earnings.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 72.65.100 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 15, 1986.

By Robert E. Trimble
for Amos E. Reed
Secretary

NEW SECTION

WAC 137-56-015 DISPOSITION OF EARNINGS. *Payment of board and room charges will be deducted from the work/training release inmates' or residents' earnings. For purposes of this section, earnings shall constitute all income and money received or possessed by the work/training release inmate or resident while under a work release plan. Nothing in this section shall prohibit the department's authority to obtain reimbursement for moneys advanced to a work/training release inmate or resident by the department.*

WSR 86-03-059
PROPOSED RULES
DEPARTMENT OF CORRECTIONS
[Filed January 16, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Corrections intends to adopt, amend, or repeal rules concerning disposition of earnings, adopting WAC 137-56-015.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on February 28, 1986.

The authority under which these rules are proposed is RCW 72.65.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before February 25, 1986.

Dated: January 15, 1986
By: Robert E. Trimble
for Amos E. Reed
Secretary

STATEMENT OF PURPOSE

Title and Number of Rule: Adopting WAC 137-56-015 Disposition of earnings.

Statutory Authority: RCW 72.65.100.

Summary and Purpose: This rule provides for the payment of board and room charges from income and money received or possessed by the work release participant while under a work release plan. The purpose of this rule is to clarify and further the legislative intent of RCW 72.65.050 and 72.65.080. It is intended that the proposed rule be adopted in place of that same section contained in WSR 86-02-023 which was filed with the office of the code reviser on December 24, 1985.

Agency Personnel Responsible for Drafting and Adoption: Gary L. Banning, Assistant Administrator, Office of Contracts and Regulations, Division of Management and Budget, mailstop FN-61, scan 234-5770; Implementation and Enforcement: Ross M. Peterson, Director, Division of Community Services, Department of Corrections, mailstop FN-61, scan 234-5770.

No other person or organization other than the Department of Corrections is proposing this rule.

This rule is not necessary to comply with a federal law or a federal or state court decision.

This rule does not have an impact on small businesses.

NEW SECTION

WAC 137-56-015 DISPOSITION OF EARNINGS. Payment of board and room charges will be deducted from the work/training release inmates' or residents' earnings. For purposes of this section, earnings shall constitute all income and money received or possessed by the work/training release inmate or resident while under a work release plan. Nothing in this section shall prohibit the department's authority to obtain reimbursement for moneys advanced to a work/training release inmate or resident by the department.

WSR 86-03-060
PROPOSED RULES
SUPERINTENDENT OF PUBLIC INSTRUCTION
 [Filed January 16, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning Special education programs—Education for all handicapped children, chapter 392-171 WAC.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on January 28, 1986.

The authority under which these rules are proposed is RCW 28A.13.070(7).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before January 24, 1986.

This notice is connected to and continues the matter in Notice No. WSR 85-23-080 filed with the code reviser's office on November 20, 1985.

Dated: January 16, 1986
 By: Frank B. Brouillet
 Superintendent of Public Instruction

WSR 86-03-061
EMERGENCY RULES
DEPARTMENT OF TRANSPORTATION
(Transportation Commission)
 [Order 53, Resolution No. 260—Filed January 16, 1986]

Be it resolved by the Washington State Transportation Commission, acting at Olympia, Washington, that it

AMENDATORY SECTION (Amending Order 44, Resolution No. 241, filed 5/3/85)

WAC 468-300-020 AUTO, MOTORCYCLE AND BICYCLE FERRY TOLLS.

((Effective 12:01 a.m. June 16, 1985

does adopt the annexed rules relating to the adoption of a revised schedule of tolls for the Washington state ferry system, amending WAC 468-300-020, 468-300-030, 468-300-040 and 468-300-070.

We, the Washington State Transportation Commission, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the immediate adoption of this rule amendment is necessary to permit a continuation of toll collection at Clinton and Mukilteo. Adoption of Resolution No. 257 required collection only at Mukilteo which has proven to be operationally unfeasible.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 47.60.326 which directs that the Department of Transportation has authority to implement the provisions of RCW 47.60.326.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 16, 1986.

By Bernice Stern
 Chairman

	AUTO**		MOTORCYCLE		BICYCLE & RIDER		
	INCL. DRIVER		INCL. DRIVER				
	Commutation		Commutation		Commutation		
One Way	20 Rides	One Way	20 Rides	Full Fare	Half Fare	20 Rides	
	***		***	One Way	One Way	***	

Fauntleroy-Southworth							
Seattle-Bremerton							
Seattle-Winslow	5.20	83.20	2.85	38.00	2.15	1.40	21.50
Pt. Townsend-Keystone							
Edmonds-Kingston							
Fauntleroy-Vashon							
Southworth-Vashon	7.00	56.00	3.80	25.35	3.00	2.00	15.00
Pt. Defiance-Tahlequah							
Mukilteo-Clinton	3.50	56.00	1.90	25.35	1.50	1.00	15.00
		10 Rides					
Anacortes to Lopez,	10.85	43.40	6.70	44.65			
Shaw, Orcas	12.95	51.80	7.65	51.00	5.80	3.65	29.00
or Friday Harbor	14.80	59.20	8.85	59.00			
Anacortes to Sidney							
and Sidney to all destinations	24.35	N/A	12.25	N/A	8.00	5.10	N/A

((Effective 12:01 a.m. June 16, 1985

AUTO**		MOTORCYCLE			BICYCLE & RIDER		
INCL. DRIVER		INCL. DRIVER					
Commutation		Commutation			Commutation		
One	20	One	20	Full Fare	Half Fare	20	
Way	Rides	Way	Rides	One Way	One Way	Rides	
	***		***			***	

Between Lopez, Shaw, Orcas and Friday Harbor **** @	6.25	25.00	2.00	N/A	2.00	2.00	N/A
From Lopez, Shaw, Orcas and Friday Harbor to Sidney@	12.25	N/A	5.50	N/A	3.00	2.00	N/A

@These fares rounded to the nearest multiple of \$.25.)

Effective 12:01 a.m. ((June 15)) January 5, 1986

AUTO**		MOTORCYCLE			BICYCLE & RIDER		
INCL. DRIVER		INCL. DRIVER					
Commutation		Commutation			Commutation		
One	20	One	20	Full Fare	Half Fare	20	
Way	Rides	Way	Rides	One Way	One Way	Rides	
	***		***			***	
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow Pt. Townsend-Keystone Edmonds-Kingston	5.40	86.40	2.95	39.35	2.25	1.45	22.50
Fauntleroy-Vashon Southworth-Vashon	(7.30) 7.25	58.40 58.00	3.90 3.95	26.00 26.35	3.10	2.10	15.50
Pt. Defiance-Tahlequah							
Mukilteo-Clinton	3.65	(58.40) 58.00	1.95 2.00	26.00 26.35	1.55	1.05	15.50
		10 Rides					
Anacortes to Lopez, Shaw, Orcas or Friday Harbor	11.25 13.45 15.40	45.00 53.80 61.60	6.95 7.95 9.20	46.35 53.00 61.35	6.05	3.80	30.25
Anacortes to Sidney and Sidney to all destinations	25.30	N/A	12.75	N/A	8.30	5.40	N/A
Between Lopez, Shaw, Orcas and Friday Harbor **** @	6.50	26.00	2.25	N/A	2.25	2.25	N/A
From Lopez, Shaw, Orcas@ and Friday Harbor to Sidney	12.75	N/A	5.75	N/A	3.25	2.25	N/A

@These fares rounded to the nearest multiple of \$.25.

*These routes operate on one-way only toll collection system.

**Vanpools - A commuter vanpool which carries seven or more persons on a regular and expense-sharing basis for the purpose of travel to or from work or school and which is certified as such by a local organization approved by the Washington state ferry system, may purchase for a \$10 fee, a permit valid for a three-month period on Mondays through Fridays only and valid only during the hours shown on the permit. The permit for commuter pool agency vanpools shall be valid for one year. These hours are selectable by the purchaser but shall designate two periods of use each day not to exceed two hours per period. The permit so purchased shall allow passage of the vehicle only during the valid periods. All riders in the van, including the driver, shall pay the applicable passenger fare. Except that the minimum total paid for all riders in the van shall not be less than the amount equal to seven times the applicable passenger fare.

***Commutation tickets shall be valid only for 90-days from date of purchase after which time the ticket shall not be accepted for passage. Washington state ferries shall enter into agreements with banks to sell commutation tickets.

****Tolls collected westbound only.

SUMMER SURCHARGE

A 20% surcharge shall be applied during the summer schedule period (beginning the third Sunday in June and ending the third Saturday in September) to regular, noncommutation auto and oversized vehicle rates only.

PENALTY CHARGES

Owner of vehicle without driver will be assessed a \$50.00 penalty charge.

Overhang on passenger vehicles will be assessed a penalty charge of 10¢ per lineal foot of overhang in addition to regular applicable tolls, except that no charge for overhang will be assessed when overall length of vehicle and overhang is less than twenty feet. A fraction of a foot of overhang in excess of six inches will be counted as one foot in assessment of charge for overhang.

SPECIAL SCHOOL RATE

School groups when traveling in authorized school vehicles for institution-sponsored activities shall be assessed a flat fee of \$1.00 per vehicles load of students and/or advisors and staff. The flat fee shall be in addition to regular vehicle and drive toll. Private vehicles need letter of authorization.

NOTE: Special school rate is \$2.00 on routes where one-way only toll systems are in effect. Special student Rate not available on Anacortes-Sidney, B.C. route beginning the third Sunday in June and ending the third Saturday in September due to limited space.

PROMOTIONAL TOLLS

A promotional rate may be established at the discretion of the secretary of transportation for a specified discount (not to exceed 50 percent of full fare) and effective only at designated times on designated routes (not to exceed 100 days per year on any one route).

AMENDATORY SECTION (Amending Order 44, Resolution No. 241, filed 5/3/85)

WAC 468-300-030 OVERSIZED VEHICLE, STAGE AND BUS, NEWSPAPER, EXPRESS SHIPMENT AND MEDICAL SUPPLIES FERRY TOLLS.

((Effective 12:01 a.m. June 16, 1985

ROUTES	OVERSIZED VEHICLES** 18' TO UNDER 28' LONG		OVERSIZED VEHICLES** 28' OR LONGER		STAGES AND BUSES INCL. DRIVER***	
	One Way	Commutation	One Way	Commutation	One Way	Each Pass
	20 Rides *****		20 Rides *****			
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow Edmonds-Kingston Pt. Townsend-Keystone	7.80	124.80	10.50	168.00	11.45	.80
Fauntleroy-Vashon Southworth-Vashon Pt. Defiance-Tahlequah	10.70	85.60	14.70	117.60	14.60	1.10
Mukilteo-Clinton	5.35	85.60	7.35	117.60	7.30	.55
Anacortes to Lopez, Shaw, Orcas or Friday Harbor	10 Rides 19.10	76.40	25.25	101.00	31.15	2.15
Anacortes to Sidney and Sidney to all destinations	30.95	N/A	36.30	N/A	45.35	2.85
Between Lopez, Shaw, Orcas and@ Friday Harbor*****	10.25	N/A	10.25	N/A	10.25	N/C
From Lopez, Shaw, Orcas, and Friday Harbor to Sidney@	17.00	N/A	21.25	N/A	14.50	1.00

@These fares rounded to the nearest multiple of \$.25.

(1) BULK NEWSPAPERS per 100 lbs. \$2.05

(Shipments exceeding 60,000 lbs. in any month shall be assessed \$1.00 per 100 lbs.)

Daily Newspapers, in bundles, and medical supplies, to be received and delivered without receipt and subject to owner's risk, will be transported between ferry terminals on regular scheduled sailings.

(2) EXPRESS SHIPMENTS per 100 lbs. \$19.55

(Shipments exceeding 100 lbs. assessed \$7.75 for each 25 lbs. or fraction thereof.)

Express shipments will be handled on scheduled sailings when no other means of shipment is available to shipper. Shipments must be of a size and weight requiring a minimum of handling by carrier's employees. Carrier reserves the right to refuse shipment of any item. Carrier assumes no liability for loss or damage to any shipment. Minimum rate for any shipment shall be the rate for 100 pounds.

San Juan Inter-Island express shipments will be handled @ \$2.65 per 100 lbs.

(3) MEDICAL SUPPLIES per 100 lbs. \$1.05

(Medical supplies exceeding 100 lbs. shall be assessed express shipment rates.))

Effective 12:01 a.m. ((June 15)) January 5, 1986

ROUTES	OVERSIZED VEHICLES** 18' TO UNDER 28' LONG		OVERSIZED VEHICLES** 28' OR LONGER		STAGES AND BUSES INCL. DRIVER***	
	One Way	Commutation 20 Rides *****	One Way	Commutation 20 Rides *****	One Way	((Each Pass))
Faultleroy-Southworth Seattle-Bremerton Seattle-Winslow Edmonds-Kingston Pt. Townsend-Keystone	8.10	129.60	10.90	174.40	11.90	((.90))
Faultleroy-Vashon Southworth-Vashon	11.10	88.80	((15.30)) 15.25	122.40 122.00	15.20 15.15	1.20))
Pt. Defiance-Tahlequah						
Mukilteo-Clinton	5.55	88.80	7.65	((122.40)) 122.00	7.60	((.60))
Anacortes to Lopez, Shaw, Orcas or Friday Harbor	10 Rides 19.85	79.40	26.25	105.00	32.35	((2.30))
Anacortes to Sidney and Sidney to all destinations	32.15	N/A	37.70	N/A	47.10	((2.95))
Between Lopez, Shaw, Orcas and@ Friday Harbor*****	10.75	N/A	10.75	N/A	10.75	((N/C))
From Lopez, Shaw, Orcas, and Friday Harbor to Sidney@	17.50	N/A	22.00	N/A	15.00	((1.00))

@These fares rounded to the nearest multiple of \$.25.

(1) BULK NEWSPAPERS per 100 lbs. \$2.15

(Shipments exceeding 60,000 lbs. in any month shall be assessed \$1.05 per 100 lbs.)

Daily Newspapers, in bundles, and medical supplies, to be received and delivered without receipt and subject to owner's risk, will be transported between ferry terminals on regular scheduled sailings.

(2) EXPRESS SHIPMENTS per 100 lbs. \$20.30

(Shipments exceeding 100 lbs: assessed \$8.05 for each 25 lbs. or fraction thereof.)

Express shipments will be handled on scheduled sailings when no other means of shipment is available to shipper. Shipments must be of a size and weight requiring a minimum of handling by carrier's employees. Carrier reserves the right to refuse shipment of any item. Carrier assumes no liability for loss or damage to any shipment. Minimum rate for any shipment shall be the rate for 100 pounds.

San Juan Inter-Island express shipments will be handled @ \$2.75 per 100 lbs.

(3) MEDICAL SUPPLIES per 100 lbs. \$1.10

*These routes operate on one-way only toll collection system.

**Includes motor homes, and mobile campers that exceed eight feet in height and 18' in length. Excludes trucks licensed over 8,000 lbs., passenger busses and stages. All oversize vehicles under 18' in length will be considered as regular car and driver.

***Stages - A public transportation operator providing regularly scheduled week-day service for public necessity and convenience may pay a \$10 annual fee for each scheduled vehicle. This fee covers the fare for each trip of the vehicle and operator only. All occupants shall be assessed the applicable passenger rate per trip. The \$10 annual fee does not apply to vehicles providing chartered service or vehicles providing service for special events such as trips for recreational purposes.

- For vanpool fares, see WAC 468-300-020 under auto.

****Half fare.

*****Commutation tickets shall be valid only for 90-days from date of purchase after which time the tickets shall not be accepted for passage. Washington state ferries shall enter into agreements with banks to sell commutation tickets.

*****Toll collected westbound only.

SUMMER SURCHARGE

A 20% surcharge shall be applied during the summer schedule period (beginning the third Sunday in June and ending the third Saturday in September) to regular, noncommutation auto and oversized vehicle rates only.

PENALTY CHARGES

Owner of vehicle without driver will be assessed a \$50.00 penalty charge.

PROMOTIONAL DISCOUNTS

A promotional rate may be established at the discretion of the secretary of transportation for a specific discount (not to exceed 50 percent of full fare) and effective only at designated times on designated routes (not to exceed 100 days per year on any one route).

AMENDATORY SECTION (Amending Order 44, Resolution No. 241, filed 5/3/85)

WAC 468-300-040 TRUCKS AND TRUCKS WITH TRAILER FERRY TOLLS.

((Effective 12:01 a.m. June 16, 1985

ROUTES	INCL. DRIVER OVERALL UNIT LENGTH								Cost Per Ft. over 78 Ft.
	Class I ***	Class II	Class III	Class IV	Class V	Class VI	Class VII	Class VIII	
	Under 18'	18' to 28'	28' to 38'	38' to 48'	48' to 58'	58' to 68'	68' to 78'	Over 78'	
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow Pt. Townsend-Keystone Edmonds-Kingston	5.20	8.80	17.40	26.05	34.65	43.30	51.90	51.90	.70
Fauntleroy-Vashon Southworth-Vashon Pt. Defiance-Tahlequah	7.00	12.30	24.40	36.50	48.50	60.60	72.70	72.70	.90
Mukilteo-Clinton	3.50	6.15	12.20	18.25	24.25	30.30	36.35	36.35	.45
**Anacortes to Lopez, Shaw, Orcas or Friday Harbor	10.85	12.95	21.00	41.70	62.40	83.10	103.90	124.60	1.75
Anacortes to Sidney **and Sidney to all destinations	24.35	31.95	53.90	75.90	97.90	119.95	141.95	141.95	1.95
**Between Lopez, Shaw, Orcas and Friday Harbor	6.25	10.25	10.25	10.25	41.25	41.25	41.25	41.25	N/A
**From Lopez, Shaw, Orcas and Friday Harbor to Sidney	13.00	18.75	31.75	44.75	57.50	70.50	83.50	83.50	1.00

@These fares rounded to the nearest multiple of \$.25.)

Effective 12:01 a.m. ((June 15)) January 5, 1986

ROUTES	INCL. DRIVER OVERALL UNIT LENGTH								Cost Per Ft. over 78 Ft.
	Class I ***	Class II	Class III	Class IV	Class V	Class VI	Class VII	Class VIII	
	Under 18'	18' to 28'	28' to 38'	38' to 48'	48' to 58'	58' to 68'	68' to 78'	Over 78'	
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow Pt. Townsend-Keystone Edmonds-Kingston	5.40	9.15	18.10	27.05	36.00	45.00	53.90	53.90	.75
Fauntleroy-Vashon Southworth-Vashon Pt. Defiance-Tahlequah	((7.30)) 7.25	12.80	((25.40)) 25.35	37.90	50.40	63.00 62.95	75.50 75.55	75.50 75.55	1.00) .95

Effective 12:01 a.m. ((June 15)) January 5, 1986

ROUTES	INCL. DRIVER OVERALL UNIT LENGTH								Cost Per Ft. over 78 Ft.
	Class I *** Under 18'	Class II 18' to Under 28'	Class III 28' to Under 38' ****	Class IV 38' to Under 48'	Class V 48' to Under 58'	Class VI 58' to Under 68'	Class VII 68' to Under 78'	Class VIII Over 78'	
Mukilteo-Clinton	3.65	6.40	12.70	18.95	25.20	31.50	((37.75 37.80)	37.75) 37.80	.50
**Anacortes to Lopez, Shaw, Orcas * or Friday Harbor	11.25 13.45 15.40	21.80	43.35	64.85	86.35	107.95	129.45	129.45	1.80
Anacortes to Sidney **and Sidney to all destinations	25.30	33.20	56.00	78.85	101.70	124.65	147.50	147.50	2.05
Between Lopez, Shaw, Orcas *** @ and Friday Harbor	6.50	10.75	10.75	10.75	42.75	42.75	42.75	42.75	N/A
**From Lopez, Shaw, Orcas and Friday Harbor to Sidney@	13.50	19.50	33.00	46.50	59.75	73.25	86.75	86.75	1.00

@These fares rounded to the nearest multiple of \$.25.

*These routes operate on one-way only toll collection system.

**Commercial trucks are allowed stop-over at intermediate points upon payment of \$2.50 per stop-over.

***Includes all trucks licensed 8,001 lbs. gross vehicle weight and above, except busses. Trucks under 8,001 lbs. will be classified as automobiles.

Also includes all trucks licensed 8,001 lbs. gross vehicle weight and above pulling trailers, unlicensed vehicles and road machinery on wheels. Vehicles not included in this class cannot be charged under this class.

****UNITED STATES GOVERNMENT SPECIAL RATE - Special rates are available to the United States government through advance, bulk ticket purchase at the general offices of Washington state ferries. The per unit price is the same as the 28' to under 38', class III rate.

*****Toll collected westbound only.

PENALTY CHARGES

Owner of vehicle without driver will be assessed a \$50.00 penalty charge.

DISCOUNT PERCENTAGES FROM REGULAR TOLL

12 or more, one-way crossings within any consecutive six day period 25%

Emergency trips during nonservice hours - while at locations where crew is on duty charge shall be equal to the cost of fuel consumed to make emergency trip. Such trips shall only be offered as a result of official requests from an emergency services agency and only in the case of no reasonable alternative.

AMENDATORY SECTION (Amending Order 44, Resolution No. 241, filed 5/3/85)

WAC 468-300-070 VEHICLE WITH TRAILER FERRY TOLLS.

((Effective 12:01 a.m. June 16, 1985

	Vehicle with Trailer Ferry Tolls***				
	Under 18'	18' To 28'	28' To 38'	38' To 48'	48' And Over
Seattle-Winslow					
Seattle-Bremerton					
Edmonds-Kingston					
Pt. Townsend-Keystone	5.20	7.80	10.50	14.85	19.15
Fauntleroy-Southworth					
*Fauntleroy-Vashon					
*Southworth-Vashon	7.00	10.70	14.70	20.80	26.90
*Pt. Defiance-Tahlequah					
Mukilteo-Clinton	3.50	5.35	7.35	10.40	13.45
Anacortes to Lopez, Shaw, Orcas or Friday Harbor	10.85	12.95	19.10	25.25	35.60
Anacortes to Sidney and Sidney to all destinations	24.35	30.95	36.30	47.30	58.30
Between Lopez, Shaw, Orcas and Friday Harbor	6.25	10.25	10.25	10.25	41.25
From Lopez, Shaw, Orcas and Friday Harbor to Sidney	13.00	17.00	21.25	27.75	34.25

@These fares rounded to the nearest multiple of \$.25.)

Effective 12:01 a.m. ((June 15)) January 5, 1986

	Vehicle with Trailer Ferry Tolls***				
	Under 18'	18' To 28'	28' To 38'	38' To 48'	48' And Over
Seattle-Winslow					
Seattle-Bremerton					
Edmonds-Kingston					
Pt. Townsend-Keystone	5.40	8.10	10.90	15.45	19.90
Fauntleroy-Southworth					
((*))Fauntleroy-Vashon					
((*))Southworth-Vashon	((7.30)) 7.25	11.10	((15.30)) 15.25	21.60	((27.90)) 27.95
((*))Pt. Defiance-Tahlequah					
Mukilteo-Clinton	3.65	5.55	7.65	10.80	((13.95)) 14.00
Anacortes to Lopez, Shaw, Orcas or Friday Harbor	11.25 13.45 15.40	19.85	26.25	37.00	47.75
Anacortes to Sidney and Sidney to all destinations	25.30	32.15	37.70	49.15	60.55
Between Lopez, Shaw, Orcas and Friday Harbor	6.50	10.75	10.75	10.75	42.75

Effective 12:01 a.m. (~~June 15~~) January 5, 1986

	Vehicle with Trailer Ferry Tolls***				
	Under 18'	18' To Under 28'	28' To Under 38'	38' To Under 48'	48' And Over
From Lopez, Shaw, Orcas and Friday Harbor to Sidney@	13.50	17.75	22.00	28.75	35.50

@These fares rounded to the nearest multiple of \$.25.

*These routes operate on one-way only toll collection system.

PENALTY CHARGES

Owner of vehicle without driver will be assessed a \$50.00 penalty charge.

*****INCLUDES THE FOLLOWING VEHICLES PULLING TRAILERS:**

- Automobiles
- Trucks licensed under 8,001 lbs. (For trucks 8,001 lbs. and over, see WAC 468-300-020)
- Oversize vehicles
- Does not include motorcycles with trailers.

****Toll collected westbound only.

Senior citizen discounts for the driver of the above vehicles shall apply.

Senior citizen discount is determined by subtracting full fare passenger rate and adding 1/2 passenger fare.

WSR 86-03-062

PROPOSED RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Filed January 16, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning rules applicable to the administration of retrospective rating plans and group insurance plans (chapter 296-17 WAC) for workers' compensation insurance underwritten by the Department of Labor and Industries and offered to employers on an optional basis. Basic premium ratios, minimum premium ratios, loss conversion factors, size group tables, coverage periods, application deadlines, and clarification of rules are set forth;

that the agency will at 2:00 p.m., Friday, January 31, 1986, in the 1st Floor Conference Room, General Administration Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on February 14, 1986.

The authority under which these rules are proposed is RCW 51.04.020(1) and 51.16.035.

The specific statute these rules are intended to implement is RCW 51.16.035.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before January 31, 1986.

This notice is connected to and continues the matter in Notice No. WSR 85-23-077 filed with the code reviser's office on November 20, 1985.

Dated: January 15, 1986
By: R. A. Davis
Director

WSR 86-03-063

ADOPTED RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Order 85-28—Filed January 17, 1986]

I, Richard A. Davis, director of the Department of Labor and Industries, do promulgate and adopt at Room 334, General Administration Building, Olympia, Washington, the annexed rules relating to chapter 296-127 WAC, prevailing wages. The proposed rules are intended to implement the new law and to clarify certain aspects of the current rules. WAC 296-127-010 and [296-127-020] define terms used in chapter [296-127 WAC and in chapter 39.12 RCW]. WAC 296-127-130 through 296-127-170 set out the procedures for issuance of a notice of violation, appeal of the notice, and hearing on the appeal. The procedures are designed to be used with the uniform procedure rules in chapter 1-08 WAC. The uniform procedure rules are adopted by reference.

This action is taken pursuant to Notice No. WSR 86-02-012 filed with the code reviser on December 20, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 39.12.050, 39.12.065 and 43.22.270 and is intended to administratively implement that statute.

This rule is promulgated under the general rule-making authority of the Department of Labor and Industries as authorized in RCW 51.04.020.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 17, 1986.

By R. A. Davis
Director

AMENDATORY SECTION (Amending Order 82-28, filed 8/27/82)

✓ WAC 296-127-010 DEFINITIONS FOR CHAPTER 296-127 WAC. (1) "Department" means the department of labor and industries.

(2) "Director" means the director of the department ~~((of labor and industries))~~ or his or her duly authorized deputy or representative.

(3) "Industrial statistician" means the industrial statistician of the ~~((department of labor and industries, industrial relations))~~ department's employment standards, apprenticeship, and crime victims division.

(4) "Assistant director" means the ~~((supervisor of industrial relations for the department of labor and industries))~~ assistant director of the employment standards, apprenticeship, and crime victims (ESAC) division or his or her duly authorized deputy or representative.

(5) "Contractor" includes subcontractor.

AMENDATORY SECTION (Amending Order 82-28, filed 8/27/82)

✓ WAC 296-127-020 INTERPRETATION OF ((LOCALITY)) PHRASES USED IN CHAPTER 39.12 RCW. (1) The "acceptance date of the public works project" referred to in RCW 39.12.065 is the date the awarding agency accepts the completed public works project.

(2) RCW 39.12.065 and 39.12.050 refer to "inadvertent filing or reporting error." An error is "inadvertent" if it is made notwithstanding the use of due care by the party making the error. The burden of proving that an error is inadvertent is on the person charged with the error.

(3) The ~~((department interprets the))~~ definition of "locality" ~~((contained))~~ in RCW 39.12.010(2)((:)) contains the phrase "wherein the physical work is being performed ~~((, as))~~." The department interprets this phrase to mean the actual work site. For example, if materials are prefabricated in a county other than the county wherein the public works project is to be completed, the wage for the prefabrication shall be the prevailing wage for the county where the physical work of prefabrication is actually performed. Standard items for sale on the general market are not subject to the requirements of chapter 39.12 RCW.

NEW SECTION

✓ WAC 296-127-130 FILING OF COMPLAINT. Any interested party, as defined in RCW 39.12.010(4) may file with the department a complaint alleging a violation of the prevailing wage laws. The complaint must describe the alleged violation and identify the alleged violator. It would aid the department's investigation if the complaint also specifies:

- (1) The name and address of the complainant;
- (2) The address of the alleged violator;

(3) The name and address of the public agency that awarded the contract;

(4) The date the public agency accepted the completed public work (if applicable);

(5) The specific rates of wages paid by the violator and the rates that allegedly should be paid;

(6) The exact amount of prevailing wages that are alleged to remain unpaid; and

(7) The date the bids were due on the public works project.

NEW SECTION

✓ WAC 296-127-140 INVESTIGATION OF COMPLAINT. (1) The department shall investigate a complaint filed by an interested party unless the complaint was filed more than thirty days after the date the public agency accepted the public work that gave rise to the complaint. The department may, in its sole discretion, investigate a complaint filed more than thirty days after the acceptance date. However, the department may not charge a contractor with a violation of RCW 39.12.065 if the complaint is filed after the thirty-day limit.

The department's investigation shall determine whether a violation of RCW 39.12.065 or 39.12.050, or both, or of any other provision of chapter 39.12 RCW, occurred.

(2) If the department's investigation substantiates a complaint that alleges that a contractor has violated RCW 39.12.065, the department is required to attempt to collect unpaid wages for the contractor's employees. During the investigation, the department should be able to identify the affected employees. The department shall direct to the affected employees the best notice practicable under the circumstances, including individual notice to all employees who can be identified through reasonable effort. The notice shall inform the employee that (a) the department's final order, whether favorable or not, will apply to all employees; (b) any employee may, if he or she desires, move to intervene as a party in any hearing held as a result of the investigation; and (c) that the employee may have a private right of action to collect unpaid prevailing wages.

NEW SECTION

✓ WAC 296-127-150 NOTICE OF VIOLATION. (1) If the department determines after its investigation that there is reasonable cause to believe that the prevailing wage law has been violated, the department shall notify the violator of its determination. The notice of violation shall be served on the violator personally or by certified mail.

(2) The notice of violation shall:

(a) Describe concisely the violation;

(b) Specify which statute or statutes were violated;

(c) If known, identify the laborers, workers, and mechanics who are affected by the violation;

(d) If known, state the amount of unpaid prevailing wages the violator owes;

(e) State that an employee cannot by contract or agreement waive the right to receive the prevailing wage;

(f) State the penalty that the department will assess for a violation, if any, of RCW 39.12.065 and 39.12.050; and

(g) State the date the complaint was filed with the department.

(3) RCW 39.12.065 and 39.12.050 establish the penalty amounts.

(4) If the notice alleges a violation of RCW 39.12.065, the department shall serve a copy of the notice of violation on the violator's sureties under chapters 39.08, 18.27, 19.28, and 60.28 RCW.

(5) The notice of violation shall inform the violator and, if a violation of RCW 39.12.065 is alleged, its sureties that they may request a hearing on the violations, the amount of unpaid prevailing wages owed, or the penalties assessed. The notice shall specify that if no hearing is requested within thirty days of the date of issuance of the notice the director shall issue a final, unappealable order finding that the violation did occur, ordering the violator to pay any unpaid prevailing wages, and assessing penalties.

NEW SECTION

WAC 296-127-160 APPEAL OF NOTICE OF VIOLATION. The violator or any of its sureties who are interested in the matter may request a hearing on a notice of violation. One original and four copies of the request must be filed with the director within thirty days after the date the department issued the notice. The party requesting the hearing must also serve a copy of the notice on all interested sureties and, if the requestor is a surety, on the violator.

The request for hearing must be in writing and must specify:

- (1) The name and address of the party requesting the hearing;
- (2) The notice of violation that is being appealed;
- (3) The items of the notice of violation that the requestor believes are erroneous; and
- (4) The reasons the notice of violation is erroneous.

NEW SECTION

WAC 296-127-170 HEARING ON NOTICE OF VIOLATION. (1) The director may hear the appeal personally or may delegate the authority to hold the hearing and draft a proposed decision to an administrative law judge pursuant to chapter 34.12 RCW. The plaintiff in the hearing shall be the department, and the defendants shall be the violator and its interested sureties. The department shall have the burden of proving, by a preponderance of the evidence, that the violations occurred and that any wages were unpaid as stated in the notice.

(2) Any interested party may upon motion, be allowed to intervene as a plaintiff in the hearing. "Standing" shall be construed broadly to effectuate the remedial purposes of the prevailing wage law. An interested party, whether or not admitted as a plaintiff, may submit written arguments and affidavits. The parties shall be given an opportunity to respond to or rebut any arguments and

affidavits before the person presiding over the hearing makes his or her decision.

(3) The hearing shall be conducted in accordance with the Uniform Procedure Rules, chapter 1-08 WAC.

(4) If the director presides over the hearing, the director shall issue a final decision that includes findings of fact and conclusions of law, and if appropriate an order to pay unpaid prevailing wages, a penalty, or both.

(5) If an administrative law judge presides over the hearing, she or he shall issue a proposed decision that includes findings of fact, conclusions of law, and if appropriate an order to pay unpaid prevailing wages, a penalty, or both. The proposed decision shall be served by certified mail or personally on the violator, the interested sureties, the department, and any interested parties who have intervened as plaintiffs. Any of these parties, if aggrieved by the proposed decision, may appeal to the director within thirty days after the date of issuance of the proposed decision. If none of the parties appeals within thirty days, the proposed decision may not be appealed either to the director or the courts.

(6) An appellant must file with the director an original and four copies of its notice of appeal. The notice of appeal must specify which findings and conclusions are erroneous. The appellant must attach to the notice the written arguments supporting its appeal.

The appellant must serve a copy of the notice of appeal and the arguments on the other parties. The respondent parties must file with the director their written arguments within thirty days after the date the notice of appeal and the arguments were served upon them.

(7) The director shall review the proposed decision in accordance with the administrative procedure act, chapter 34.04 RCW. The director may: Allow the parties to present oral arguments as well as the written arguments; require the parties to specify the portions of the record on which the parties rely; require the parties to submit additional information by affidavit or certificate; remand the matter to the administrative law judge for further proceedings; and require a departmental employee to prepare a summary of the record for the director to review. The director shall issue a final decision that can affirm, modify, or reverse the proposed decision.

(8) The director shall serve the final decision on all parties. Any aggrieved party may appeal the final decision to superior court pursuant to RCW 34.04.130 unless the final decision affirms an unappealed proposed decision. If no party appeals within the period set by RCW 34.04.130, the director's decision is conclusive and binding on all parties.

NEW SECTION

WAC 296-127-180 EFFECT OF FINAL DECISION FINDING A VIOLATION OF RCW 39.12.065. If the director issues a final decision that includes a finding that a contractor violated RCW 39.12.065 and that the contractor owes unpaid prevailing wages, and the finding is not timely appealed or is affirmed by the courts, the findings and the decision are res judicata in any action by the department or by any interested party who was a plaintiff at the hearing, against the contractor and its sureties to recover the unpaid prevailing wages.

The findings and decision are not res judicata in any action by an interested party who was not a plaintiff at the hearing.

NEW SECTION

✓ WAC 296-127-190 FILING OF LIEN AGAINST RETAINAGE OR BONDS. (1) Upon receipt of a timely complaint that a contractor has violated RCW 39.12.065, and that the contractor owes unpaid prevailing wages, the department may file a lien against the retainage or bond obtained by the contractor under RCW 60.28.010.

(2) Upon issuance by the director of a final decision that finds that a contractor has violated RCW 39.12.065 or 39.12.050, and that sets a civil penalty for the violation, the department shall file liens for the penalty amount against the retainage and bonds the contractor obtained under RCW 39.12.065 (2)(c), 39.08.010, and 60.28.010.

NEW SECTION

✓ WAC 296-127-200 SURETY BOND PAYABLE TO DIRECTOR. (1) RCW 39.12.065 (2)(c) authorizes the director to require a contractor to obtain a surety bond "running to the director in the amount of the violation found." The intent and wording indicates that the director may require such a bond only after issuing a final decision finding that the contractor has violated RCW 39.12.065.

(2) The director may demand that a violating contractor post the bond when:

(a) The director has issued a final decision that finds that the contractor owes unpaid prevailing wages or a penalty, whether or not the decision has been appealed to the courts; and

(b) The retainage or bonds provided under RCW 60.28.010, 18.27.040, and 19.28.120 are or may be insufficient to pay the amount of prevailing wages or the penalty owed.

(3) A contractor may at any time voluntarily obtain a bond running to the director to guarantee the payment of the prevailing wages and any penalty. The contractor may allow the director to satisfy any claim for unpaid wages or the penalty from this bond instead of from the retainage or bonds obtained under RCW 60.28.010, 18.27.040, 19.28.120, and 39.08.010.

NEW SECTION

✓ WAC 296-127-210 SUIT AGAINST RETAINAGE AND BONDS. (1) If the director issues a final decision that includes a finding that the contractor has violated RCW 39.12.065 or 39.12.050, and the finding is not timely appealed or is affirmed by the courts, the department may file suit against the appropriate retainage and bonds to recover the amount of unpaid prevailing wages or the civil penalty.

(2) The department may, before issuance of a final decision, file suit against the appropriate retainage and bonds to recover unpaid prevailing wages if the filing of a suit is necessary to preserve the claim. The suit shall

be held in abeyance pending the exhaustion of administrative remedies.

NEW SECTION

✓ WAC 296-127-220 DISTRIBUTION OF RECOVERY. (1) Upon making a recovery pursuant to RCW 39.12.065(2) against a contractor's retainage or bonds, the department shall distribute the proceeds and any award of attorneys' fees and costs as follows:

(a) The recovery shall be paid to the employees of the violator who did not receive the correct prevailing wage. The distribution among employees shall be based on the evidence of wage loss produced at the hearing on the violation.

(b) Next shall be paid the costs the department incurred in making the recovery. The department shall pay these costs from the attorney's fees and costs awarded by the courts.

(2) A contractor who is the subject of an investigation or who has received a notice of violation may choose not to contest the matter and may tender to the department the amount of unpaid prevailing wages the department determines is owed. The department, after identifying and notifying the affected employees pursuant to WAC 296-127-140, shall accept the tender if the contractor in writing acknowledges that the department, by accepting the tendered amount, does not absolve the contractor from liability to any employee for unpaid prevailing wages.

(3) If an employee for whom the department has recovered unpaid prevailing wages cannot be found, the department shall retain the wages for the one-year period required by RCW 63.29.150. After the statutory period has lapsed, the department shall pay the wages to the department of revenue in accordance with RCW 63.29.170.

NEW SECTION

✓ WAC 296-127-300 FILING AND SERVICE. All papers required to be filed with the director under this chapter or chapter 39.12 RCW shall be addressed to Director, Department of Labor and Industries, General Administration Building, Olympia, WA. 98504.

Filing and service shall be made as allowed by WAC 1-08-090 through 1-08-140.

NEW SECTION

✓ WAC 296-127-310 LIST OF VIOLATORS. The department shall maintain a list of all contractors who are forbidden to bid on a public works project, or to have a bid accepted, pursuant to RCW 39.12.065(3) or 39.12.050. To the extent required by RCW 39.12.065(3) and 39.12.050, the industrial statistician shall refuse to certify any statement of intent to pay the prevailing wage or affidavit of wages paid that he or she determines was submitted by a contractor on the list. Because the department receives a large number of requests for certification, the department shall not be liable to any person or entity for certifying a statement or an affidavit of a contractor on the list.

The industrial statistician shall make the list available upon request.

NEW SECTION

✓ WAC 296-127-320 PAYROLL RECORDS. (1) Each contractor shall keep accurate payroll records, showing the name, address, Social Security number, work classification, straight time and overtime hours worked each day and week, and the actual rate of wages paid, for each laborer, worker, and mechanic employed by the contractor for work done on a public work.

(2) A contractor shall, within ten days after it receives a written request, file a certified copy of the payroll records with the agency that awarded the public works contract and with the department.

(3) A contractor's noncompliance with this section shall constitute a violation of RCW 39.12.050.

WSR 86-03-064

ADOPTED RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Order 86-02—Filed January 17, 1986]

I, R. A. Davis, director of the Department of Labor and Industries, do promulgate and adopt at Room 334, General Administration Building, Olympia, Washington 98504, the annexed rules relating to the amending of WAC 296-24-217 servicing multi-piece and single piece rim wheels, housekeeping amendments; WAC 296-27-090(2), amended to require equipment which has been involved in a fatality or in the hospitalization of two or more employees to remain unmoved until a representative of the division of industrial safety and health investigates the accident and authorizes removal of the equipment; WAC 296-27-16009, follow-up inspection is amended to allow employers to respond to a serious or general violation through written verification that the violation has been abated. The employer shall post a copy of the written verification in a prominent place at or near each place where the violation occurred for at least three working days; chapter 296-56 WAC, longshore, stevedore and related waterfront activities is amended to clarify certification between states, to revise the scope and application and to make housekeeping changes; WAC 296-350-400 (8)(b), amended to require that a copy of the written verification of abatement be posted with the citation and notice for at least three working days; WAC 296-27-15501, division of industrial safety and health, public records is a new section which states that requests for inspection or copies of records and documents in the custody of the division of industrial safety and health should be made to the division's designated records officer; WAC 296-27-15503, confidential reports within the department's files is a new section which states that whenever a divisional file contains any report or information from an independent source that has requested that information contained in the department's file be protected as confidential, such information will not be released without a court order; WAC 296-27-15505, accident investigation reports is a new section

that states that results of accident investigations and related reports are confidential and will not be freely released by the department according to RCW 49.17.260; and WAC 296-350-300, repeat violations is a new section which defines "repeat violation" and "nonabatement violation" and identifies a period of three years following the issuance of a final order that the department may issue a citation for a repeat violation.

This action is taken pursuant to Notice No. WSR 85-21-100 filed with the code reviser on October 23, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 49.17.040 and 49.17.050 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 17, 1986.

By R. A. Davis
Director

AMENDATORY SECTION (Amending Order 84-18, filed 8/21/84)

✓ WAC 296-24-21705 EMPLOYEE TRAINING.

(1) The employer shall provide a program to train all employees who service rim wheels in the hazards involved in servicing those ((multi-piece)) rim wheels and the safety procedures to be followed.

(a) The employer shall assure that no employee services any rim wheel unless the employee has been trained and instructed in correct procedures of servicing the type of wheel being serviced, and in the safe operating procedures described in WAC 296-24-21711 and 296-24-21713.

(b) Information to be used in the training program shall include, at a minimum, the applicable data contained in the charts (rim manuals) and the contents of this standard.

(c) Where an employer knows or has reason to believe that any of his employees is unable to read and understand the charts or rim manual, the employer shall assure that the employee is instructed concerning the contents of the charts and rim manual in a manner which the employee is able to understand.

(2) The employer shall assure that each employee demonstrates and maintains the ability to service rim wheels safely, including performance of the following tasks:

(a) Demounting of tires (including deflation);

(b) Inspection and identification of the rim wheel components;

(c) Mounting of tires (including inflation with a restraining device or other safeguard required by this section);

(d) Use of the restraining device or barrier, and other equipment required by this section;

(e) Handling of rim wheels;

(f) Inflation of the tire when a single-piece rim wheel is mounted on a vehicle;

(g) An understanding of the necessity of standing outside the trajectory both during inflation of the tire and during inspection of the rim wheel following inflation; and

(h) Installation and removal of rim wheels.

(3) The employer shall evaluate each employee's ability to perform these tasks and to service rim wheels safely, and shall provide additional training as necessary to assure that each employee maintains his or her proficiency.

AMENDATORY SECTION (Amending Order 84-18, filed 8/21/84)

✓ WAC 296-24-21707 TIRE SERVICING EQUIPMENT. (1) The employer shall furnish a restraining device for inflating tires on multi-piece wheels.

(2) The employer shall provide a restraining device or barrier for inflating tires on single-piece wheels unless the rim wheel will be bolted onto a vehicle during inflation.

(3) Restraining devices and barriers shall comply with the following requirements:

(a) Each restraining device or barrier shall have the capacity to withstand the maximum force that would be transferred to it during a rim wheel separation occurring at one hundred fifty percent of the maximum tire specification pressure for the type of rim wheel being serviced.

(b) Restraining devices and barriers shall be capable of preventing the rim wheel components from being thrown outside or beyond the device or barrier for any rim wheel ((position)) positioned within or behind the device;

(c) Restraining devices and barriers shall be visually inspected prior to each day's use and after any separation of the rim wheel components or sudden release of contained air. Any restraining device or barrier exhibiting damage such as the following defects shall be immediately removed from service:

- (i) Cracks at welds;
- (ii) Cracked or broken components;
- (iii) Bent or sprung components caused by mishandling, abuse, tire explosion or rim wheel separation;
- (iv) Pitting of components due to ((excessive)) corrosion; or
- (v) Other structural damage which would decrease its effectiveness.

(d) Restraining devices or barriers removed from service shall not be returned to service until they are repaired and reinspected. Restraining devices or barriers requiring structural repair such as component replacement or rewelding shall not be returned to service until they are certified ((either by)) by either the manufacturer or ((by)) a registered professional engineer as meeting the strength requirements of subsection (3)(a) of this section.

(4) The employer shall furnish and assure that an air line assembly consisting of the following components be used for inflating tires:

- (i) A clip-on chuck;

(ii) An in-line valve with a pressure gauge or a presettable regulator; and

(iii) A sufficient length of hose between the clip-on chuck and the in-line valve (if one is used) to allow the employee to stand outside the trajectory.

(5) Current charts (rim manuals) containing instructions for the types of wheels being serviced shall be available in the service area.

~~(6) ((A current rim manual containing instructions for the type of rims being serviced shall be available in the service area.~~

~~(7))~~ The employer shall furnish and assure that only tools recommended in the rim manual for the type of wheel being serviced are used to service rim wheels.

AMENDATORY SECTION (Amending Order 84-18, filed 8/21/84)

✓ WAC 296-24-21711 SAFE OPERATING PROCEDURE—MULTI-PIECE RIM WHEELS. The employer shall establish a safe operating procedure for servicing multi-piece rim wheels and shall assure that employees are instructed in and follow that procedure. The procedure shall include at least the following elements:

(1) Tires shall be completely deflated before demounting by removal of the valve core.

(2) Tires shall be completely deflated by removing the valve core, before a rim wheel is removed from the axle in either of the following situations:

(a) When the tire has been driven underinflated at eighty percent or less of its recommended pressure((:)), or

(b) When there is obvious or suspected damage to the tire or wheel components.

(3) Rubber lubricant shall be applied to bead and rim mating surfaces during assembly of the wheel and inflation of the tire, unless the tire or wheel manufacturer recommends against it.

(4) If a tire on a vehicle is underinflated but has more than eighty percent of the recommended pressure, the tire may be inflated while the rim wheel is on the vehicle provided remote control inflation equipment is used, and no employees remain in the trajectory during inflation.

(5) Tires shall be inflated outside a restraining device only to a pressure sufficient to force the tire bead onto the rim ledge and create an airtight seal with the tire and bead.

(6) Whenever a rim wheel is in a restraining device the employee shall not rest or lean any part of his body or equipment on or against the restraining device.

(7) After tire inflation, the tire and wheel components shall be inspected while still within the restraining device to make sure that they are properly seated and locked. If further adjustment to the tire or wheel components is necessary, the tire shall be deflated by removal of the valve core before the adjustment is made.

(8) No attempt shall be made to correct the seating of side and lock rings by hammering, striking or forcing the components while the tire is pressurized.

(9) Cracked, broken, bent or otherwise damaged rim components shall not be reworked, welded, brazed, or otherwise heated.

(10) Whenever multi-piece rim wheels are being handled, employees shall stay out of the trajectory unless the employer can demonstrate that performance of the servicing makes the employee's presence in the trajectory necessary.

(11) No heat shall be applied to a multi-piece wheel or wheel component.

AMENDATORY SECTION (Amending Order 74-22, filed 5/6/74)

✓ WAC 296-27-090 REPORTING OF FATALITY OR MULTIPLE HOSPITALIZATION ACCIDENTS.

(1) Within twenty-four hours after the occurrence of an employment accident which results in an immediate or probable fatality to one or more employees, or which results in hospitalization of two or more employees, the employer of any employee so injured or killed shall report the accident either orally or in writing to the nearest office of the department. The reporting may be by telephone or telegraph. The reporting shall relate the circumstances of the accident, the number of fatalities, and the extent of any injuries. The director may require such additional reports, in writing or otherwise, as he deems necessary, concerning the accident.

(2) Equipment involved in an accident resulting in an immediate fatality or in the hospitalization of two or more employees shall not be moved until a representative of the division of industrial safety and health investigates the accident and authorizes removal of such equipment, when removal of such equipment is necessary in order to prevent further accident or to remove the victim, such equipment may be moved as required.

NEW SECTION

✓ WAC 296-27-15501 DIVISION OF INDUSTRIAL SAFETY AND HEALTH, PUBLIC RECORDS.

Requests for inspection or copies of records and documents in the custody of the division of industrial safety and health should be made to the division's designated records officer. The division's records are maintained at 814 East Fourth Ave., P.O. Box 207, Olympia, WA 98504. General information can be obtained at service locations and field offices throughout the state.

NEW SECTION

✓ WAC 296-27-15503 CONFIDENTIAL REPORTS WITHIN THE DEPARTMENT'S FILES.

Whenever a divisional file contains any report or information from an independent source that has requested that the information contained in the department's file be protected as confidential, such information will not be released without court order. When such information is withheld the records officer shall clearly identify which information has been withheld and the information's source.

NEW SECTION

✓ WAC 296-27-15505 ACCIDENT INVESTIGATION REPORTS. Results of accident investigations

and related reports are confidential and will not be freely released by the department, see RCW 49.17.260.

Accident investigation reports will be made available without the need of a court order only to the following:

(1) Employees of governmental agencies in the performance of their official duties;

(2) The injured worker, his legal representative, or his labor organization representative;

(3) The legal representative or labor organization representative of a deceased worker, including any beneficiary of a deceased worker actually receiving benefits under the terms of Title 51 RCW, the Industrial Insurance Act. The records officer may provide accident investigation reports to the closest surviving member of the deceased worker's immediate family;

(4) The employer of any injured or deceased workman;

(5) Any other employer or person whose actions or business operations are the subject of the report or investigation; or

(6) Any attorney representing a party in any pending legal action in which an investigative report constitutes material and relevant evidence.

✓ AMENDATORY SECTION (Amending Order 81-13, filed 6/22/81)

WAC 296-27-16009 FOLLOW-UP INSPECTIONS. (~~When an employer has been cited for a violation, the department conducts follow-up inspections to ensure that the violation has been corrected.~~

~~(1) If the department cited a serious violation, or a general violation for which a penalty was proposed, the department shall conduct a follow-up inspection. If there is more than one abatement date, more than one follow-up inspection may be necessary.~~

~~(2) The department may, but is not required, to conduct follow-up inspections after issuing a citation other than those set out in subsection (1) of this section.) (1) If an employer has been cited for a serious violation, or a general violation for which a penalty was proposed, the department shall conduct a follow-up inspection or obtain written verification from the employer that the violation has been abated. If there is more than one abatement date, more than one written verification or more than one follow-up inspection may be necessary.~~

~~(2) If an employer verifies abatement of a violation in writing, the employer shall post a copy of the written verification in a prominent place at or near each place where the violation occurred for at least three working days. See WAC 296-350-400(8)(b).~~

~~(3) The department may, but is not required to, conduct follow-up inspections after issuing a citation other than those set out in subsection (1) of this section.~~

AMENDATORY SECTION (Amending Order 85-09, filed 4/19/85)

✓ WAC 296-56-60001 SCOPE AND APPLICABILITY. (1) The rules included in this chapter apply

throughout the state of Washington, to any and all waterfront operations under the jurisdiction of the department of labor and industries, division of industrial safety and health.

(2) These minimum requirements are promulgated in order to augment the general safety and health standards, and any other safety and health standards promulgated by the department of labor and industries which are applicable to all places of employment under the jurisdiction of the department of labor and industries. The rules of this chapter, and the rules of chapters 296-24 and 296-62 WAC are applicable to all longshore, stevedore and related waterfront operations: PROVIDED, That such rules shall not be applicable to those operations under the exclusive safety jurisdiction of the federal government.

(3) The provisions of this chapter shall prevail in the event of a conflict with, or duplication of, provisions contained in chapters 296-24 and 296-62 WAC. Specific standards which are applicable include, but are not limited to:

(a) Electrical—WAC 296-24-956 through 296-24-960.

(b) Toxic and hazardous substances are regulated by chapter 296-62 WAC. Where references to this chapter are given they are for informational purposes only. Where specific requirements of this chapter conflict with the provisions of chapter 296-62 WAC this chapter prevails. Chapter 296-62 WAC ((applies where specifically referenced in this standard, except that the requirements of chapter 296-62 WAC do)) does not apply when a substance or cargo is contained within a sealed, intact means of packaging or containment complying with the department of transportation or International Maritime Organization requirements.

(c) ((Noise)) Hearing conservation—WAC 296-62-09015 through 296-62-09055.

(d) Standards for commercial diving operations—Chapter 296-37 WAC.

(e) Safety requirements for scaffolding—WAC 296-24-825 through 296-24-82545.

(f) Safe practices of abrasive blasting operations, ventilation—WAC 296-24-675 through 296-24-67519.

(g) Access to employee exposure and medical records—WAC 296-62-052 through 296-62-05221.

(h) Respiratory protection—WAC 296-62-071 through 296-62-07121.

(i) Safety rules for grain elevator((s)) operations—Chapter 296-88 WAC.

(j) Hazard communication—WAC 296-62-054 through 296-62-05425.

(k) Asbestos—WAC 296-62-07517.

(l) Confined space—WAC 296-62-145 through 296-62-14529.

(4) The provisions of ((WAC 296-56-600 through 296-56-60255)) this chapter do not apply to the following:

(a) Fully automated bulk coal handling facilities contiguous to electrical power generating plants.

(b) Facilities subject to the regulations of the office of pipeline safety regulation of the materials transportation

bureau, department of transportation, to the extent such regulations apply.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓ WAC 296-56-60003 VARIANCE AND PROCEDURE. ((Any employer may apply to the director for an order for a variance from any rule or regulation establishing a safety and health standard promulgated under this chapter. Affected employees shall be given notice of each such application and in the manner prescribed by this chapter shall be informed of their right to request a hearing on any such application. The director shall issue such order granting a variance, after opportunity for an inspection, if he determines or decides after a hearing has been held, if request for hearing has been made, that the applicant for the variance has demonstrated by a preponderance of the evidence that the conditions, practices, means, methods, operations, or processes used or proposed to be used by such applicant employer will provide employment and places of employment to his employees which are as safe and healthful as those which would prevail if he complied with the safety and health standard or standards from which the variance is sought. The order so issued shall prescribe the conditions the employer must maintain, and the practices, means, methods, operations, and processes which he must adopt and utilize to the extent they differ from the standard in question. At any time after six months has elapsed from the date of the issuance of the order granting a variance upon application of an employer, employee or the director on his own motion, after notice has been given in the manner prescribed for the issuance of such order may modify or revoke the order granting the variance from any standard promulgated under the authority of this chapter.)) Realizing that conditions may exist under which certain state standards will not have practical application, the director of the department of labor and industries has made provisions for the issuance of variances. The director or his authorized representative may, pursuant to this section, RCW 49.17.080 and 49.17.090, and WAC 296-350-200 through 296-350-270, upon receipt of application and after investigation by the department, permit a variation from the requirements of this chapter. Any variance is limited to the particular case and application. It shall remain posted during the time which it is in effect. Variance application forms may be obtained from the department.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓ WAC 296-56-60005 DEFINITIONS. (1) "Apron" means that open portion of a marine terminal immediately adjacent to a vessel berth and used in the direct transfer of cargo between the terminal and vessel.

(2) "Assistant director for the division of industrial safety and health" means the assistant director of industrial safety and health, department of labor and industries or his authorized representative.

(3) "Authorized," in reference to an employee's assignment, means selected by the employer for that purpose.

~~((3))~~ (4) "Cargo door" (transit shed door) means a door designed to permit transfer of cargo to and from a marine terminal structure.

~~((4))~~ (5) "Cargo packaging" means any method of containment for shipment, including cases, cartons, crates and sacks, but excluding large units such as intermodal containers, vans or similar devices.

~~((5))~~ (6) "Confined space" means ~~((a space having all of the following characteristics:~~

- ~~(a) Small size;~~
- ~~(b) Severely limited natural ventilation;~~
- ~~(c) Capability to accumulate or contain a hazardous atmosphere;~~
- ~~(d) Exits that are not readily accessible; and~~
- ~~(e) A design not meant for continuous human occupancy.~~

~~Examples of)) any space having a limited means of egress which is subject to the accumulation of toxic or flammable contaminants or an oxygen deficient atmosphere. Confined spaces include, but are not limited to, intermodal tank containers, brailwater tanks, bins, storage tanks, boilers, ventilation or exhaust ducts, tunnels, and portable tanks.~~

~~((6))~~ (7) "Conveyor" means a device designed exclusively for transporting bulk materials, packages or objects in a predetermined path and having fixed or selective points of loading or discharge.

~~((7))~~ (8) "Danger zone" means any place in or about a machine or piece of equipment where an employee may be struck by or caught between moving parts, caught between moving and stationary objects or parts of the machine, caught between the material and a moving part of the machine, burned by hot surfaces or exposed to electric shock. Examples of danger zones are nip and shear points, shear lines, drive mechanisms, and areas beneath counterweights.

~~((8))~~ (9) "Designated person" means a person who possesses specialized abilities in a specific ~~((area))~~ capacity and is assigned by the employer to perform a specific task in that area.

~~((9))~~ (10) "Dock" means ~~((any wharf, pier, terminal, warehouse, or any other place where cargo is stored, assembled, received, or prepared for transfer to or from a vessel, railway car or truck))~~ a wharf or pier forming all or part of a waterfront facility, including marginal or quayside berthing facilities.

~~((10))~~ (11) "Dock facilities" ~~((means))~~ includes all piers, wharves, sheds, aprons, dolphins, cranes, or other gear or equipment owned or controlled by the dock or facility owner, where cargo or materials are loaded, moved~~(;)~~ or handled to or from a vessel.

~~((11))~~ (12) "Dockboard" (bridge plate or car plate) means a device utilized to span the gap between railroad cars, or between railroad cars or highway vehicles and the loading dock or platform. A car plate may be fixed, adjustable, portable, powered, or unpowered.

~~((12))~~ (13) "Enclosed space" means an indoor space, other than a confined space, that may contain or accumulate a hazardous atmosphere due to inadequate

natural ventilation. Examples of enclosed spaces ~~((are))~~ include trailers, railcars, and storage rooms.

~~((13))~~ (14) "Examination," as applied to material handling devices required to be certified by this ~~((section to be certificated))~~ chapter, means a comprehensive survey consisting of the criteria outlined in WAC 296-56-60093 ~~((as applicable to the type of gear or device))~~ through 296-56-60097. The examination is supplemented by a unit proof test in the case of annual survey.

~~((14))~~ (15) "Flammable atmosphere" means an atmosphere containing more than ten percent of the lower ~~((flammable))~~ explosive limit (LEL) of a flammable or combustible vapor or dust mixed with air. Such atmospheres are usually toxic as well as flammable.

~~((15))~~ (16) "Front-end attachments."

(a) As applied to power-operated industrial trucks, means the various devices, such as roll clamps, rotating and sideshifting carriages, magnets, rams, crane arms or booms, load stabilizers, scoops, buckets, and dumping bins, attached to the load end for handling lifts as single or multiple units.

(b) As applied to cranes, means various attachments applied to the basic machine for the performance of functions such as lifting, clamshell or magnet services.

~~((16))~~ (17) "Fumigant" is a substance or mixture of substances, used to kill pests or prevent infestation, which is a gas or is rapidly or progressively transformed to the gaseous state~~(;)~~ even though some nongaseous or particulate matter may remain and be dispersed in the treatment space.

~~((17))~~ (18) "Hazardous cargo, material, substance or atmosphere" means:

- (a) Any substance listed in chapter 296-62 WAC;
- (b) Any material in the hazardous materials table and hazardous materials communications regulations of the Department of Transportation, 49 CFR Part 172;
- (c) Any article not properly described by a name in the hazardous materials table and hazardous materials communications regulations of the Department of Transportation, 49 CFR Part 172, but which is properly classified under the definition of those categories of dangerous articles given in 49 CFR Part 173; ~~((or))~~

(d) ~~((Any atmosphere with an oxygen content of less than nineteen and one-half percent))~~ Atmospheres having concentrations of airborne chemicals in excess of permissible exposure limits as defined in chapter 296-62 WAC; or

(e) Any atmosphere with an oxygen content of less than nineteen and one-half percent by volume.

~~((18))~~ (19) "House falls" means spans and supporting members, winches, blocks, and standing and running rigging forming part of a marine terminal and used with a vessel's cargo gear to load or unload by means of married falls.

~~((19))~~ (20) "Inspection," as applied to material handling devices required to be certified by this ~~((part to be certificated))~~ chapter, ~~((means))~~ includes a complete visual examination of all visible parts of the device.

~~((20))~~ (21) "Intermodal container" means a reusable cargo container of rigid construction and rectangular configuration~~(;)~~ intended to contain one or more articles of cargo or bulk commodities for transportation

by water and one or more other transport modes without intermediate cargo handling. The term includes completely enclosed units, open top units, fractional height units, units incorporating liquid or gas tanks and other variations fitting into the container system, (~~((demountable))~~) demounted or with attached wheels. It does not include cylinders, drums, crates, cases, cartons, packages, sacks, unitized loads or any other form of packaging.

~~((21))~~ (22) "Loose gear" means removable (~~((and))~~) or replaceable components of equipment or devices which may be used with or as a part of assembled material handling units for purposes such as making connections, changing line direction and multiplying mechanical advantage. Examples (~~((are))~~) include shackles and snatch blocks.

~~((22))~~ (23) "Marina" means a small harbor or boat basin providing dockage, supplies, and services for small craft.

~~((23))~~ (24) "Marine terminal" means wharves, bulkheads, quays, piers, docks and other berthing locations and adjacent storage or contiguous areas and structures associated with the primary movement(~~((s))~~) of cargo or materials from vessel to shore or shore to vessel (~~((including))~~). It includes structures which are devoted to receiving, handling, holding, consolidation, (~~((and))~~) loading or delivery of waterborne shipments and passengers, (~~((including))~~) and areas devoted to the maintenance of the terminal or equipment. The term does not include production or manufacturing areas having their own docking facilities and located at a marine terminal nor (~~((does the term include))~~) storage facilities directly associated with those production or manufacturing areas.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓ WAC 296-56-60007 HOUSEKEEPING. (1) (~~((Active))~~) Work areas shall be kept free of equipment and materials not in use, and clear of debris, projecting nails, strapping and other sharp objects not necessary for the work in progress.

(2) Hatch beams, covers, and pontoons placed in terminal working areas shall be stowed in stable piles with beams secured against tipping or falling. Alternatively, beams may be laid on their sides. When beams and pontoons are stowed in tiers more than one high, dunnage or other suitable material shall be used under and between tiers.

(3) Cargo and material shall not obstruct access to vessels, cranes, vehicles, or buildings. Means of access and egress within buildings shall be (~~((similarly))~~) unobstructed.

(4) The employer shall eliminate, to the extent possible, conditions causing slippery working (~~((and))~~) or walking surfaces in immediate work areas used by employees.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓ WAC 296-56-60009 ACCIDENT PREVENTION PROGRAM. (1) An accident prevention program,

(~~((wherein there is))~~) which provides equitable management-employee participation, shall be established in all establishments, industrial plants, or operations.

(2) It shall be the responsibility of the employer to initiate and maintain (~~((such))~~) the accident prevention program(~~((s as may be))~~) necessary to comply with this section. The division of industrial safety and health may be contacted for assistance in initiating and maintaining an effective accident prevention program.

(3) All accident prevention programs shall be tailored to the needs of the particular operation.

(4) Employer and employee representatives, as elected, delegated or appointed, shall attend and actively take part in frequent and regular safety committee meetings.

(5) Accident prevention programs shall provide for employer-employee safety meetings and frequent and regular safety inspections of job sites, materials, equipment, and operating procedures.

(6) A record of safety activities, such as inspections and meetings, shall be maintained by the employer for a period covering the previous twelve months and shall be made available, upon request, to noncompliance personnel of the department of labor and industries.

(7) (~~((The))~~) Employees shall individually comply with all safety rules and cooperate with management in carrying out the accident prevention program.

(8) To make effective the preceding statement and promote on-the-job accident prevention, committees shall be established in each port. These committees shall consist of an equal number of port or stevedore company and longshoremen representatives at the job level with the industry or company safety supervisor serving as secretary and coordinator. (~~((A function of this committee is to obtain))~~) Some functions of the committee are to maintain the interest of the workers in accident prevention by providing for their actual participation in the program, to direct their attention to the real causes of accidents, and to provide a means for making practical use of their intimate knowledge of working conditions and practices.

(9) It is (~~((further))~~) intended that this program will produce mutually practical and effective recommendations regarding correction of accident-producing circumstances and conditions.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓ WAC 296-56-60011 SLINGING. (1) Drafts shall be safely slung before being hoisted. Loose dunnage or debris hanging or protruding from loads shall be removed.

(2) Bales of cotton, wool, cork, wood pulp, gunny bags, or similar articles shall be hoisted only by straps strong enough to support the weight of the bale. At least two hooks, each in a separate strap, shall be used.

(3) Unitized loads bound by bands or straps (~~((may))~~) shall only be hoisted by the banding or strapping (~~((only))~~) if the banding or strapping is suitable for hoisting and is strong enough to support the weight of the load.

(4) Additional means of hoisting shall be employed to ensure safe lifting of unitized loads having damaged banding or strapping.

(5) Case hooks shall be used only with cases designed to be hoisted by these hooks.

(6) Loads requiring continuous manual guidance during handling shall be guided by guide ropes (tag lines) that are long enough to control the load.

(7) Intermodal containers shall be handled in accordance with WAC 296-56-60103(~~((5))~~).

(8) Cargo handling bridles, such as pallet bridles, which are to remain attached to the hoisting gear while hoisting successive drafts, shall be attached by shackles, or other positive means shall be taken to prevent them from becoming accidentally disengaged from the cargo hook.

(9) Drafts of lumber, pipe, dunnage and other pieces, the top layer of which is not bound by the sling, shall be slung in such a manner as to prevent sliders. Double slings shall be used on unstrapped dunnage, except, when(;) due to the size of hatch or deep tank openings, it is impractical to use them.

(10) Hand loaded buckets, tubs, bins and baskets used in handling bulk cargo shall not be loaded above their rim.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓WAC 296-56-60017 LINE HANDLING. (1) In order to provide safe access for handling lines while mooring and unmooring vessels, cargo or material shall not be stowed or vehicles placed where they obstruct the work surface (~~((to be used))~~).

(2) When stringpiece or apron width is insufficient for safe footing, grab lines on rails shall be installed on the sides of permanent structures. ("Stringpiece" means a narrow walkway between the water edge of a berth and a shed or other structure.)

(3) Areas around bitts or cleats where workers perform their duties as line handlers shall be lighted as required (~~((in this section and have))~~) by this chapter. There shall be a nonslip surface around each bitt or cleat.

(4) Walkways on which mooring hausers must be moved may have the handrail omitted on the line handling side provided a six(=)inch by six inch toeboard is installed.

AMENDATORY SECTION (Amending Order 85-09, filed 4/19/85)

✓WAC 296-56-60019 STANDARD GAUGE RAILROAD OPERATIONS. (~~All sections of this chapter which include~~) WAC 296-56-60019 through 296-56-60041 apply to standard gauge railroad operations.

(1) Work shall be performed in railcars only if floors of the railcars are in visibly safe condition for the work activity being conducted and the equipment being used.

(2) A route shall be established to allow employees to pass to and from places of employment without passing under, over or through railcars, or between cars less than ten feet (3 m) apart on the same track.

(3) The employer shall direct that no employees remain in railcars after work is concluded. No employee shall remain in a railcar after work is concluded.

(4) Railcars shall be chocked or otherwise prevented from moving:

(a) While dockboards or carplates are in position; or

(b) While employees are working within, on or under the railcars or near the tracks at the ends of the cars.

(5) When employees are working in, on, or under a railcar, positive means shall be taken to protect them from exposure to impact from moving railcars.

(6) Work being carried on, in, or under cars which subjects employees to the hazard of moving railroad equipment shall be protected by flags and derails set a minimum of fifty feet from one or both ends of the worksite. Where the spur track switch is less than fifty feet from the work location, the switch padlocked in the open position (~~((with))~~) may take the place of the derail (~~((and))~~). The blue flag shall be placed at that point.

(7) Before cars are moved, unsecured and overhanging stakes, wire straps, banding, and similar objects shall be removed or placed so as not to create hazards.

(8) The employer shall institute all necessary controls during railcar movement to safeguard personnel. If winches or capstans are employed for movement, employees shall stand clear of the hauling rope and shall not stand between the rope and the cars.

(9) Before being opened fully, doors shall be opened slightly to ensure that the load has not shifted during transit. Special precautions shall be taken if the doors being opened are visibly damaged.

(10) If power industrial trucks are used to open freight car doors, the trucks or the railcar doors shall be equipped with door opening attachments. Employees shall stand clear of the railcar doors while they are being opened and closed.

(11) Only railcar door openers or power trucks equipped with door opening attachments shall be used to open jammed doors.

(12) Employees shall not remain in or on gondolas or flat cars when drafts that create overhead, caught-in, caught-between or struck-by hazards are being landed in or on the railcar(;). End gates, if raised, shall be secured.

(13) Operators of railcar dumps shall have an unrestricted view of dumping operations and shall have emergency means of stopping movement.

(14) Recessed railroad switches shall be enclosed to provide a level surface.

(15) Warning signs shall be posted where doorways open onto tracks, at blind corners and at similar places where vision may be restricted.

(16) Warning signs shall be posted if insufficient clearance for personnel exists between railcars and structures.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓WAC 296-56-60023 WARNING FLAGS OR LIGHTS. A blue flag, bright colored flag or blue light shall be displayed at one or both ends of an engine,

car(~~(s);~~) or train(;) to indicate that workers are under or about the railway equipment. When such warning devices are displayed, the equipment shall not be coupled to(;) or moved. On a dead end spur, a blue light or flag may be displayed adjacent to the switch opening while cars are being loaded or unloaded.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓WAC 296-56-60025 SIGNALS UNOBSCURED. Equipment which (~~would~~) could obscure signals shall not be placed on the track.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓WAC 296-56-60027 AUDIBLE WARNING SYSTEM. A clearly audible warning system shall be employed when cars are being moved in areas where workers (~~are~~) may be in the vicinity of the tracks. When the audible warning signal (~~may~~) might not be heard above the surrounding noises, a person shall be delegated and stationed close enough to the track crew to warn them, by contact, of the oncoming equipment.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓WAC 296-56-60029 SAFETY OBSERVER ON RAILROAD SWITCHING. When persons are required to work between railway cars, underneath railway cars or in areas where switching is done, there shall be a person (~~who shall be~~) charged with the responsibility to warn of an approaching switch of the railway car or cars, unless other reasonable and practical safeguards are provided.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓WAC 296-56-60031 WARNING AT ROAD CROSSING. An audible whistle, horn or bell shall be sounded by the locomotive engineer to give adequate warning prior to switching across any road crossing. (~~In the case of pushing~~) Whenever cars are pushed with a locomotive, a signalman shall be located at the crossing to give signals in conjunction with other warnings by the engineer.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓WAC 296-56-60037 CAR PLATES. Whenever workers are required to move cargo into or out of a railway car, a railway car plate shall be used which shall meet the following specifications:

(1) All car plates shall be strong enough to carry maximum loads with a safety factor of three.

(2) All car plates shall be provided with positive stops to prevent shifting of plates. One set of these stops shall be adjustable to (~~take care of~~) allow for different spaces between car door and platform.

(3) Car plates shall be so shaped that edges will always bear on the floor of car and platform to prevent "teetering" or rocking.

(4) All car plates shall have skid resistant surfaces.

(5) All car plates (~~are to~~) shall be provided with toe or guard plates at the sides with a minimum height of four inches.

(6) All car plates must bear no less than six inches back from edge of platform.

(7) Maximum capacity of car plates shall be marked in a conspicuous place.

(8) Car plates shall be provided with an appropriate fixture to enable the plates to be lifted and moved by fork trucks.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓WAC 296-56-60039 DOCKBOARDS (BRIDGE PLATES). (1) Portable and powered dockboards shall be strong enough to carry the load imposed (~~on them~~).

(2) Portable dockboards shall be secured in position, either by being anchored or equipped with devices which will prevent (~~their~~) slipping.

(3) Powered dockboards shall be designed and constructed in accordance with commercial standards CS202-56 (1956) Industrial Lifts and Hinged Loading Ramps published by the United States Department of Commerce.

(4) Handholds or other effective means, shall be provided on portable dockboards to permit safe handling.

(5) Positive protection shall be provided to prevent railroad cars from being moved while dockboards or bridge plates are in position.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓WAC 296-56-60041 LOG HANDLING. (1) The employer shall ensure that structures (bunks) used to contain logs have rounded corners and rounded structural parts to avoid sling damage.

(2) Two or more binders or equivalently safe means of containment shall remain on logging trucks and railcars to secure logs during movement of the truck or car within the terminal. During unloading, logs shall be prevented from moving while binders are being removed.

(3) Logs shall be hoisted by two slings or by other gear designed for safe hoisting.

(4) Logs placed adjacent to vehicle curbs on the dock shall not be over one tier high unless placed in bunks or (~~so stacked as not to roll~~) retained to prevent rolling or otherwise (~~create~~) creating a hazard to employees.

(5) Before logs are slung up from the dock, they shall be stably supported to prevent spreading and to allow passage of slings beneath the load. When bunks or similar retaining devices are used, no log shall be higher than the stanchions or retaining members of the device.

(6) A draft of logs for hoisting aboard ship shall not vary in length more than twenty percent.

(7) Audible alarms.

(a) All bidirectional machines, shall be equipped with a horn, distinguishable from the surrounding noise level,

which shall be operated as needed when the machine is moving in either direction. The horn shall be maintained in ~~((an operative))~~ operable condition.

(b) Automatic back-up alarms shall be installed on bidirectional equipment used to handle logs or containers and shall be maintained in ~~((an operative))~~ operable condition.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓ WAC 296-56-60043 MOVEMENT OF BARGES AND RAILCARS. Barges and railcars shall not be moved by cargo runners (running rigging) from vessel cargo booms, cranes or other equipment not ~~((suitable))~~ designed for the purpose.

✓ AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60049 HAZARDOUS CARGO. (1) Before cargo handling operations begin, the employer shall ascertain whether any hazardous cargo is to be handled and shall determine the nature of the hazard. The employer shall inform employees of the nature of any hazard and any special precautions to be taken to prevent employee exposure, and shall instruct employees to notify ~~((him))~~ the employer of any leaks or spills.

(2) All hazardous cargo shall be slung and secured so that neither the draft nor individual packages can fall as a result of tipping the draft or ~~((stacking))~~ slackening of the supporting gear.

(3) If hazardous cargo is spilled or if its packaging leaks, employees shall be removed from the affected area until the employer has ascertained the specific hazards, provided any equipment, clothing ~~((and))~~, ventilation and fire protection equipment necessary to eliminate or protect against the hazard ~~((, and has instructed))~~. Cleanup employees ((in a)) shall be instructed as to the safe method of cleaning up and disposing of ((a)) the spill, and handling and disposing of leaking containers. Actual cleanup or disposal work shall be conducted under the supervision of a designated person.

(4) The Department of Transportation and the United States Coast Guard ~~((apply))~~ impose requirements related to handling, storing and transportation of hazardous cargo (see 33 CFR Part 126, 46 CFR, 49 CFR).

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓ WAC 296-56-60051 HANDLING EXPLOSIVES OR HAZARDOUS MATERIALS. (1) ~~((Dangerous or explosive nature to be made known:))~~ All workers handling explosive or other hazardous material which is properly labeled pursuant to the Washington state labeling code, chapters 296-62 and 296-64 WAC, promulgated by the department of labor and industries~~((:))~~; or the Explosive Act, chapters 70.74 RCW and 296-52 WAC; or the Federal and Washington State Food, Drug and Cosmetic Acts~~((:))~~; the Federal Insecticide, Fungicide and Rodenticide Act, the Washington Pesticide Act, chapter 17.21 RCW; the Federal Hazardous Substances

Labeling Act~~((:))~~; or the Interstate Commerce Commission and Foreign Commerce regulations~~((:))~~; or explosives or other dangerous cargo which is reasonably known by the employers to be mislabeled or to be lacking a required label, shall be thoroughly informed by the employer of the explosive or ~~((dangerous))~~ hazardous nature of the cargo.

(2) ~~((Preparation and handling of explosive or hazardous materials:))~~ In all shipping operations including, but not limited to, handling, ~~((storing))~~ storage, and preparation, compliance with the standards of the Interstate Commerce Commission, the United States Coast Guard, or the safety rules developed by the Institute of Makers of Explosives shall be deemed proper and safe methods of operation.

(3) Handling of breakage. If breakage should occur while handling explosives or other hazardous materials, the foreman shall order the work in the immediate area to cease until the hazard has been removed. It shall be the responsibility of the employer to use a safe method of handling such breakage and placing ~~((the same))~~ it in a remote, safe location ~~((safety remote from the work area))~~.

(4) No smoking. All workers supervising or engaged in the handling, hoisting, stowing of explosives, combustible oxidizing materials or flammable materials shall smoke only in designated areas. No person shall smoke within one hundred feet of any location where such materials are handled or stored.

(5) Loading chute. In chuting packaged explosives, care must be exercised to ~~((make sure))~~ ensure that one package ~~((shall have been))~~ is taken from the mat before starting another. Each package shall ~~((have been))~~ be completely removed from the mat before another is placed on the chute.

(6) Specifications for chutes. In the loading of explosive merchandise in package form where chutes are used, the chutes shall be constructed only of wood. All fastenings ~~((thereon))~~ shall be of wooden pins, dowelings, or pegs. Metal fastenings may be used, provided they are countersunk.

(7) Mattress landing buffer. The bottoms of the chutes shall be provided with a stuffed mattress not less than four inches thick and of sufficient width and length to allow for safe landing of packages.

(8) Drafts of hazardous or explosive cargo ~~((ascertained by the employer to be hazardous))~~ shall be so slung and secured that neither the draft nor individual packages can fall as a result of tipping the draft or ~~((stacking))~~ slackening the supporting gear.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓ WAC 296-56-60053 HAZARDOUS ATMOSPHERES AND SUBSTANCES. (1) Purpose and scope. This section covers areas ~~((in which the employer is aware that))~~ where a hazardous atmosphere or substance may exist, except where one or more of the following sections apply: WAC 296-56-60049 Hazardous cargo; WAC 296-56-60051 Handling explosives or hazardous materials; WAC 296-56-60055 Carbon monoxide; WAC 296-56-60057 Fumigants, pesticides,

insecticides and hazardous preservatives; WAC 296-56-60107 (~~Menhaden terminats~~) Terminal facilities handling menhaden and similar species of fish; WAC 296-56-60235 Welding, cutting(~~(;)~~) and heating (hot work); and WAC 296-56-60237 Spray painting.

(2) Determination of hazard.

(a) (~~When the employer is aware that~~) Whenever a room, building, vehicle, railcar or other space contains or has contained a hazardous atmosphere, a designated and appropriately equipped person shall test the atmosphere before (~~employee~~) entry to determine whether a hazardous atmosphere exists.

(b) Records of results of any tests required by this section shall be maintained for at least thirty days.

(3) Testing during ventilation. When mechanical ventilation is used to maintain a safe atmosphere, tests shall be made by a designated person to ensure that the atmosphere is not hazardous.

(4) Entry into hazardous atmospheres. Only designated persons shall enter hazardous atmospheres(~~, in which case~~). The following provisions shall apply:

(a) Persons entering a space containing a hazardous atmosphere shall be protected by respiratory (~~and emergency protective~~) equipment meeting the requirements of WAC 296-62-071 through 296-62-07121;

(b) Persons entering a space containing a hazardous atmosphere shall be instructed in the nature of the hazard, precautions to be taken, and the use of protective and emergency equipment. Standby observers, similarly equipped and instructed, shall continuously monitor the activity of employees within such space; and

(c) Except for emergency or rescue operations, employees shall not enter into any atmosphere which has been identified as flammable or oxygen deficient (less than nineteen and one-half percent oxygen). Persons who may be required to enter flammable or oxygen deficient atmospheres in emergency operations shall be instructed in the dangers attendant to those atmospheres and instructed in the use of self-contained breathing apparatus, which shall be utilized.

(d) To prevent inadvertent employee entry into spaces that have been identified as having hazardous, flammable or oxygen deficient atmospheres, appropriate warning signs or equivalent means shall be posted at all means of access to those spaces.

(5) When the packaging of asbestos cargo leaks, spillage shall be cleaned up by designated employees protected from the harmful effects of asbestos as required by WAC 296-62-07517 and chapter 296-65 WAC.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓ WAC 296-56-60055 CARBON MONOXIDE. (1) Exposure limits. The carbon monoxide content of the atmosphere in a room, building, vehicle, railcar or any enclosed space shall be maintained (~~at not more than~~) below fifty parts per million (0.005%) as an eight-hour time-weighted average (~~and~~). Employees shall be removed from the enclosed space if the carbon monoxide

concentration exceeds one hundred parts per million (0.01%).

(2) Testing. Tests to determine carbon monoxide concentration shall be made (~~when~~) whenever necessary to ensure that employee exposure does not exceed the limits specified in subsection (1) of this section.

(3) Instrumentation. Tests for carbon monoxide concentration shall be made by designated persons using gas detector tube units certified by NIOSH under 30 CFR Part 11 or other measuring instruments whose accuracy is as great or greater.

(4) Records. A record of the date, time, location and result(~~s~~) of carbon monoxide tests shall be available for at least thirty days.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓ WAC 296-56-60057 FUMIGANTS, PESTICIDES, INSECTICIDES AND HAZARDOUS PRESERVATIVES. (1) (~~When the employer is aware that~~) Whenever cargo in a space is or has been stowed, handled, or treated with a fumigant, pesticide, insecticide, or hazardous preservative, a determination shall be made as to whether a hazardous atmosphere is present in the space(~~, and~~). Only employees protected as required in subsection (5) of this section shall enter the space if it is hazardous.

(2) Tests to determine the atmospheric concentration of chemicals used to treat cargo shall be:

(a) Appropriate for the hazard involved;

(b) Conducted by designated persons; and

(c) Performed at the intervals necessary to ensure that employee exposure does not exceed the permissible exposure limit for the chemical involved, see chapter 296-62 WAC.

(3) Results of any tests shall be available for at least thirty days.

(4) Chemicals shall only be applied to cargoes by designated persons.

(5) Only designated persons shall enter hazardous atmospheres(~~, in which case~~). Whenever a hazardous atmosphere is entered the following provisions apply.

(a) Persons entering a space containing a hazardous atmosphere shall be protected by respiratory (~~and emergency protective~~) equipment meeting the requirements of WAC 296-62-071 through 296-62-07121; and

(b) Persons entering a space containing a hazardous atmosphere shall be instructed in the nature of the hazard, precautions to be taken, and the use of protective and emergency equipment. Standby observers, similarly equipped and instructed, shall continuously monitor the activity of employees within such a space.

(6) Signs shall be clearly posted where fumigants, pesticides or hazardous preservatives have created a hazardous atmosphere. These signs shall note the danger, identify specific chemical hazards, and give appropriate information and precautions, including instructions for the emergency treatment of employees affected by any chemical (~~in use~~).

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓ WAC 296-56-60059 FIRST-AID AND LIFE-SAVING FACILITIES. (1) Employers shall instruct employees to report every injury, regardless of severity, to the employer.

(2) A first-aid kit shall be available at the ~~((terminal))~~ worksite, and at least one person holding a valid first-aid certificate shall be at the ~~((terminal))~~ worksite when work is in progress.

(3) First-aid kits shall be weatherproof and contain individual sealed packages for each item that must be kept sterile. Each kit shall include at least the following items: Gauze roller bandages, 1 inch and 2 inch (25.4 mm and 50.8 mm); gauze compress bandages, 4 inch (101.6 mm); adhesive bandages, 1 inch (25.4 mm); triangular bandage, 40 inch (101.6 cm); ammonia inhalants and ampules; antiseptic applicators or swabs; eye dressing; wire or thin board splints; forceps and tourniquet; and first-aid dressing.

(4) Stretchers permanently equipped with bridles for hoisting shall be readily accessible. A blanket or other suitable covering shall be available.

(5) Telephone or equivalent means of communication shall be readily available.

(6) ~~((It shall be the duty of every employer to comply with such standards and systems of education for safety as shall be, from time to time, prescribed for such employer by the director of labor and industries through the division of industrial safety and health or by statute.~~

(7)) Employees working on any bridge or structure leading to a detached vessel berthing installation shall wear United States Coast Guard approved personal flotation devices except where protected by railings, nets, or safety belts and lifelines.

~~((8))~~ (7) Life ladders. On all docks ~~((spaced at intervals not to exceed four hundred feet,))~~ there shall be ~~((provided))~~ substantial built-in-place ladders, spaced at intervals not to exceed four hundred feet, to reach the lowest water use. When portable ladders are to be used, ladders may be bolted to the bullrail or dock structure, or ladders can be secured to an embedded eye bolt in a concrete dock surface. The immediate area where such ladders or fastenings are located shall be painted with a bright color or of a color which contrasts with the surrounding area. There shall be a ladder at each end of the dock.

~~((9))~~ (8) Life rings. On all docks ~~((spaced at intervals not to exceed two hundred feet, and so located to be readily available in case of emergency,))~~ there shall be ~~((at least one))~~ life rings of an approved standard type, spaced at intervals not to exceed two hundred feet and so located as to be readily available in case of emergency, with ninety feet of line attached.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓ WAC 296-56-60060 FIRST-AID TRAINING AND CERTIFICATION. ~~((The purpose of this section is to assure that all employees of this state can be afforded quick and effective first-aid attention in the event~~

~~that an injury occurs on the job. The means of achieving this purpose is to assure the presence of personnel trained in first-aid procedures at or near those places where employees are working. Compliance with the provisions of this section may require the presence of more than one first-aid trained person.~~

~~(1) In addition to RCW 51.36.030, every employer shall comply with the department's requirements for first-aid training and certification.~~

~~(2) There shall be present or available at all times, a person or persons holding a valid certificate of first-aid training. (A valid first-aid certificate is one which is less than three years old.)~~

~~(3) Compliance with the requirements of subsection (2) of this section may be achieved as follows:~~

~~(a) All foremen, supervisors, or persons in direct charge of crews working in physically dispersed operations, shall have a valid first-aid certificate. PROVIDED, That if the duties or work of the foreman, supervisor or person in direct charge of the crew requires an absence from the crew, another person holding a valid first-aid certificate shall be present. For the purposes of this section, a crew shall mean a group of two or more employees working at a work site separate and remote from the main office or fixed work place such as occurs in construction, logging, etc. If there is no foreman, supervisor or person in direct charge assigned to the crew, at least one employee shall have a valid first-aid certificate. In emergencies, foremen, supervisors and persons in direct charge of a crew will be permitted to work up to thirty days without having the required certificate, providing an employee in the crew or another foreman in the immediate work area has the necessary certificate.~~

~~(b) In fixed establishments, all foremen, supervisors, or persons in direct charge of a group or groups of employees shall have a valid first-aid certificate. PROVIDED, That in fixed establishments where the foreman, supervisor, or person in charge has duties which require his absence from the work site of the group, another person holding a valid first-aid certificate shall be present or available to the group.~~

~~NOTE: Foremen, supervisors or persons in direct charge of a group or groups of employees will be permitted to work up to thirty days without having the required certificate, providing an employee in the crew or another foreman in the immediate work area has the necessary certificate.~~

~~(c) In fixed establishments organized into distinct departments or equivalent organizational units such as department stores, large company offices, etc., a person or persons holding a valid first-aid certificate shall be present or available at all times employees are working within that department or organizational unit.~~

~~(d) In small businesses, offices or similar types of fixed workplaces, compliance may be achieved by having a number of such small businesses, offices, etc., combined into a single unit for the purpose of assuring the continued presence or availability of a person or persons holding a valid first-aid training certificate.~~

A plan for combining a number of small businesses etc., into such a group shall be submitted to the division of industrial safety and health, safety education section, for approval. That section is also available to assist employers who wish to develop such a plan. Criteria for approval by the division shall include:

(i) The businesses within the group must not be widely dispersed;

(ii) The name(s) of the person or persons holding the first-aid certificates, their usual places of work, their phone numbers, and other appropriate information shall be posted in each establishment which is a member of the group, in a place which can reasonably be expected to give notice to employees of that establishment;

(iii) First-aid kits must be available as required by WAC 296-56-60062.

(c) Valid certification shall be achieved by passing a course of first-aid instruction and participation in practical application of the following subject matter:

Bleeding control and bandaging.

Practical methods of artificial respiration, including mouth to mouth and mouth to nose resuscitation.

Closed chest heart massage.

Poisons.

Shock, unconsciousness, stroke.

Burns, scalds.

Sunstroke, heat exhaustion.

Frostbite, freezing, hypothermia.

Strains, sprains, hernias.

Fractures, dislocations.

Proper transportation of the injured.

Bites, stings.

Subjects covering specific health hazards likely to be encountered by co-workers of first-aid students enrolled in the course.

(4) In physically dispersed operations, at least one member of each crew shall have a valid first-aid certificate. A crew shall mean a group of two or more employees working at a work site separate and remote from the main office or fixed workplace such as occurs in construction, logging, etc.

(5) Industrial first-aid course instructors will, upon request, be furnished by the division of industrial safety and health, department of labor and industries, either directly or through a program with the community colleges or vocational education:

(6) Employers of employees working in fixed establishments, meeting the following criteria, are exempt from the requirements of this section: PROVIDED

(a) They can submit written evidence to the department, upon request, that the worksite of their employees is within a two-minute time frame of response by an aid car, medic unit or established ambulance service with first-aid trained attendants.

(b) There is a back-up aid car, medic unit or established ambulance service within the two-minute response time; or that a first-aid trained person with readily available transportation is on the site of the posted emergency phone number for immediate dispatch in the event the primary unit is not available.

(c) There are no traffic impediments, such as draw bridges, railroad track, etc., along the normal route of travel of the aid car, medic unit or established ambulance service that would delay arrival beyond the required two minute time frame.

(d) Emergency telephone numbers are posted on all first-aid kits and at all telephones on the worksite.

(e) The above services are available or exist at all times when more than one employee is on the worksite.

NOTE: A construction site that will be of more than six months duration, such as a large building, shall be considered a fixed establishment for the purposes of this section. Doctor's offices and clinics are not to be considered as alternates due to the fact that very often doctor's schedules require them to be away from their offices:))

This section is designed to assure that all employees of this state are afforded quick and effective first-aid attention in the event of an on the job injury. To achieve this purpose the presence of personnel trained in first-aid procedures at or near those places where employees are working is required. Compliance with the provisions of this section may require the presence of more than one first-aid trained person.

(1) There shall be available at all worksites, at all times, a person or persons holding a valid certificate of first-aid training from the department of labor and industries, United States Bureau of Mines, the American Red Cross, or equivalent training that can be verified by documentary evidence. A valid first-aid certificate is one which is less than three years old. All foremen, supervisors, or persons in direct charge of crews shall have a valid first-aid certificate. If the duties or work of the foreman, supervisor or person in direct charge of the crew require an absence from the crew, another person holding a valid first-aid certificate shall be present. For the purposes of this section, a crew shall mean a group of two or more employees working at any worksite. If there is no foreman, supervisor or person in direct charge assigned to the crew, at least one employee shall have a valid first-aid certificate.

NOTE: In emergencies, foremen will be permitted to work up to thirty days without having the required certificate, providing an employee in the crew or another foreman in the immediate work area has the necessary certificate.

(2) Employers may be exempted from the requirements of this section, provided:

(a) They have previously submitted written evidence to the department that the worksite of their employees is within a two minute response time of an aid car, medic unit or established ambulance service with first-aid trained attendants.

(b) There is a back-up aid car, medic unit or established ambulance service within the two minute response time, or a first-aid trained person with readily available transportation is on the site of the posted emergency phone number for immediate dispatch in the event that the primary unit is not available.

(c) There are no traffic impediments, such as drawbridges, railroad tracks or similar traffic obstructions along the normal route of travel of the aid car, medic unit or established ambulance service that would delay arrival beyond the two minute response time.

(d) Emergency telephone numbers are posted on all first-aid kits and at all telephones at the worksite.

(e) The above services are available or exist at all times when more than one employee is at the worksite.

NOTE: Doctors' offices and clinics are not considered alternates to the exceptions enumerated in this subsection.

(3) Valid certification shall be achieved by passing a course of first-aid instruction and participation in practical application of the following subject matter:

- Bleeding control and bandaging.
- Practical methods of artificial respiration, including mouth to mouth and mouth to nose resuscitation.
- Closed chest heart massage.
- Poisons.
- Shock, unconsciousness, stroke.
- Burns, scalds.
- Sunstroke, heat exhaustion.
- Frostbite, freezing, hypothermia.
- Strains, sprains, hernias.
- Fractures, dislocation.
- Proper transportation of the injured.
- Bites, stings.
- Subjects covering specific health hazards likely to be encountered by co-workers of first-aid students enrolled in the course.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60062 FIRST-AID KIT. (1) All employers who employ men and women covered by the Washington Industrial Safety and Health Act, chapter 49.17 RCW, shall furnish first-aid kits as required by the division of industrial safety and health, department of labor and industries, (RCW 51.36.030).

(2) First-aid supplies shall be readily accessible when required.

(3) In the absence of readily accessible first-aid supplies such as first-aid kits, first-aid stations, first-aid rooms or their equivalent, all crew trucks, power shovels, cranes, locomotives, loaders, dozers, logging trucks, speeders, freight trucks, and similar equipment shall be equipped with not less than a ten package first-aid kit.

(4) All crew vehicles used for transporting workmen shall be equipped with not less than a ten package first-aid kit. When more than five employees are being transported on any one trip, the kit shall be increased in size to ~~((comply with))~~ a 16, 24, or 36-package kit depending upon the number of personnel normally being transported.

(5) At least one first-aid kit shall be available on construction jobs, line crews, and other transient or short duration jobs. The size and quantity of first-aid kits(;) required to be located at any site(;) shall be determined by the number of personnel normally dependent upon each kit as outlined in the following table:

required to be located at any site(;) shall be determined by the number of personnel normally dependent upon each kit as outlined in the following table:

NUMBER OF PERSONNEL NORMALLY ASSIGNED TO WORKSITE	MINIMUM FIRST-AID SUPPLIES REQUIRED AT WORKSITE
1 - 50 PERSONS	FIRST-AID KIT
1 - 5	10 package kit
6 - 15	16 package kit
16 - 30	24 package kit
31 - 50	36 package kit
51 - 200 PERSONS	FIRST-AID STATION
51 - 75	One 36 and one 10 package kit
76 - 100	One 36 and one 16 package kit
101 - 150	One 36 and one 24 package kit
151 - 200	Two 36 package kits
OVER 200 PERSONS	FIRST-AID ROOM
	Refer to WAC ((296-24-070)) 296-56-60067

(6) Employers shall establish a procedure to assure that first-aid kits and required contents are maintained in a serviceable condition.

(7) First-aid kits shall contain at least the following items:

10 Package Kit

- 1 Pkg. Adhesive bandages, 1" (16 per pkg.)
- 1 Pkg. Bandage compress, 4" (1 per pkg.)
- 1 Pkg. Scissors* and tweezers (1 each per pkg.)
- 1 Pkg. Triangular bandage, 40" (1 per pkg.)
- 1 Pkg. Antiseptic soap or pads (3 per pkg.)
- 5 Pkgs. of consulting physician's choice**

16 Package Kit

- 1 Pkg. Absorbent gauze, 24" x 72" (1 per pkg.)
- 1 Pkg. Adhesive bandages, 1" (16 per pkg.)
- 2 Pkgs. Bandage compresses, 4" (1 per pkg.)
- 1 Pkg. Eye dressing (1 per pkg.)
- 1 Pkg. Scissors* and tweezers (1 each per pkg.)
- 2 Pkgs. Triangular bandages, 40" (1 per pkg.)
- 1 Pkg. Antiseptic soap or pads (3 per pkg.)
- 7 Pkgs. of consulting physician's choice**

24 Package Kit

- 2 Pkgs. Absorbent gauze, 24" x 72" (1 per pkg.)
- 2 Pkgs. Adhesive bandages, 1" (16 per pkg.)
- 2 Pkgs. Bandage compresses, 4" (1 per pkg.)
- 1 Pkg. Eye dressing (1 per pkg.)
- 1 Pkg. Scissors* and tweezers (1 each per pkg.)
- 6 Pkgs. Triangular bandages (1 per pkg.)
- 1 Pkg. Antiseptic soap or pads (3 per pkg.)
- 9 Pkgs. of consulting physician's choice**

36 Package Kit

- 4 Pkgs. Absorbent gauze, 24" x 72" (1 per pkg.)
- 2 Pkgs. Adhesive bandages, 1" (16 per pkg.)
- 5 Pkgs. Bandage compresses, 4" (1 per pkg.)

- 2 Pkgs. Eye dressing (1 per pkg.)
- 1 Pkg. Scissors* and tweezers (1 each per pkg.)
- 8 Pkgs. Triangular bandages, 40" (1 per pkg.)
- 1 Pkg. Antiseptic soap or pads (3 per pkg.)
- 13 Pkgs. of consulting physician's choice**

*Scissors shall be capable of cutting two layers of fifteen ounce cotton cloth or its equivalent.

**First-aid kits shall be maintained at the ten, sixteen, twenty-four or thirty-six package level. In the event the consulting physician chooses not to recommend items, the department of labor and industries shall be contacted for recommended items to complete the kit.

(8) Where the eyes or body of any person may be exposed to injurious chemicals ((and/)) or materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided((;)) within the work area((;)) for immediate emergency use.

(9) When practical, a poster shall be fastened and maintained either on or in the cover of each first-aid kit and at or near all phones plainly stating((;)) the phone numbers of available doctors, hospitals, and ambulance services within the district of the worksite.

~~((10) When required by the department, in addition to the first-aid kit which must be kept on the equipment or at the place of work, there shall be available within the closest practicable distance from the operations (not to exceed one-half mile) the following items:~~

- ~~1 set of arm and leg splints.~~
- ~~2 all-wool blankets or blankets equal in strength and fire resistant (properly protected and marked).~~
- ~~1 stretcher.~~

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓ WAC 296-56-60065 FIRST-AID STATION. (1) First-aid stations shall be located as close as ((practicable)) practical to the highest concentration of personnel.

(2) First-aid stations shall be well marked and available to personnel during all working hours.

(3) ((One)) A person holding a valid first-aid certificate shall be responsible for the proper use and maintenance of the first-aid station.

(4) First-aid stations shall be equipped with a minimum of two first-aid kits, the size of which shall be dependent upon the number of personnel normally employed at the worksite. One first-aid kit may be a permanent wall-mounted kit, but in all cases the station shall be equipped with at least one portable first-aid kit.

~~(5) ((When required by the department, the station shall be equipped with two wool blankets and a stretcher in addition to first-aid kits.~~

~~(6))~~ A roster, denoting the telephone numbers and addresses of doctors, hospitals and ambulance services available to the worksite, shall be posted at each first-aid station.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓ WAC 296-56-60067 FIRST-AID ROOM. (1) There shall be a first-aid room meeting the requirements of this section ((shall be required)) when:

(a) A fixed establishment employs more than two hundred employees at one time at one ((central)) location((;)):

~~((EXCEPTION: The department may permit the employer to follow the requirements of WAC 296-56-60060, 296-56-60062 and 296-56-60065, as appropriate when employees would be better served for first-aid purposes and the following conditions are present:~~

~~(i) In low hazard occupations such as retail clothing stores, banks, or general office work where exposure to manufacturing processes or heavy materials handling does not exist, and~~

~~(ii) Where the two hundred or more employees have physically dispersed normal work stations which would result in excessive travel to the first-aid room. (Excessive travel shall mean travel of one quarter mile or more or three or more floors of vertical travel.))~~

(b) ((At)) A construction site((s which are expected to)) is a fixed establishment if it remains a construction site((s)) for six months or more.

(2) First-aid rooms shall be located as close as possible to the heaviest concentrated work area. They shall be identified in such a manner as to be easily recognizable as first-aid rooms.

(3) The first-aid room shall be well lighted and ventilated, kept clean and orderly, provided with hot and cold running water, and maintained in a fully-equipped condition.

(4) The first-aid room shall be manned and maintained by:

- (a) A licensed physician, ((or))
- (b) A licensed or registered nurse, or
- (c) An employee who:
 - (i) Holds a valid advanced first-aid certificate ((as)) recognized by the department,
 - (ii) Works in the vicinity of the first-aid room, and
 - (iii) Does not perform other work of ((the)) a nature that is likely to adversely affect ((adversely her/his)) the ability to administer first-aid.

(5) First-aid rooms shall be equipped with items recommended by the consulting physician or plant medical officer and, ((as)) at a minimum, ((should)) shall contain ((an adequate)) a supply of the following:

- Antiseptic soap
- 3/4" or 1" adhesive compresses
- Adhesive knuckle bands
- 2" Bandage compresses
- 4" Bandage compresses
- 3" x 3" gauze pads
- Assorted sizes of large gauze pads
- 2" roller bandages
- 3" roller bandages
- 4" roller bandages
- Assorted adhesive tape rolls
- Eye dressings
- Ammonia inhalants

Burn ointment
 Triangular bandages
 Scissors, forceps, razor and blades, medicine
 droppers
 Safety pins
 Drinking cups
 Rubbing alcohol
 Absorbent cotton
 Arm and leg splints
 Antidotes for specific industrial poisons
 Pressure points chart
 Stretcher
 Wool blankets and clean linen
 Hot water bottles
 Quick colds or ice bag
 Emergency first-aid kit
 A method of sterilizing instruments

(6) A poster shall be maintained on, or in the cover of, each first-aid cabinet and near each first-aid room phone. ~~((Such))~~ The poster ~~((with))~~ shall state phone numbers of available doctors, hospitals, and ambulance services within the employer's district.

AMENDATORY SECTION (Amending Order 85-09, filed 4/19/85)

WAC 296-56-60069 PERSONNEL. (1) Qualifications of machinery operators.

(a) Only those employees determined by the employer to be competent by reason of training or experience, ~~((and))~~ who understand the signs, notices and operating instructions and are familiar with the signal code in use shall be permitted to operate a crane, winch or other power-operated cargo handling apparatus, or any power-operated vehicle, or give signals to the operator of any hoisting apparatus. ~~((Exception:))~~ Employees being trained and supervised by a designated ~~((person))~~ individual may operate such machinery and give signals to operators during training.

(b) No employee known to have defective uncorrected eyesight or hearing, or to be suffering from heart disease, epilepsy, or similar ailments which may suddenly incapacitate the employee shall be permitted to operate a crane, winch, other power-operated cargo handling apparatus or a power-operated vehicle.

(2) Supervisory accident prevention proficiency.

(a) ~~((After October 3, 1985;))~~ Immediate supervisors of cargo-handling operations of more than five persons shall satisfactorily complete a course in accident prevention. Employees newly assigned to supervisory duties ~~((after that date))~~ shall be required to meet the provisions of this paragraph within ninety days of such assignment.

(b) The course shall consist of instruction suited to the particular operations involved.

(c) No minor under eighteen years of age shall be employed in occupations involving the operation of any power-operated hoisting apparatus or assisting in such operations by performing work such as hooking on or landing drafts, rigging gear, etc.

AMENDATORY SECTION (Amending Order 85-09, filed 4/19/85)

WAC 296-56-60073 MISCELLANEOUS AUXILIARY GEAR. (1) Routine inspection.

(a) At the completion of each use, loose gear such as slings, chains, bridles, blocks, and hooks shall be so placed as to avoid damage to the gear. Loose gear shall be inspected and any defects corrected before re-use.

(b) All loose gear shall be inspected by the employer or his authorized representative before each use and, when necessary, at intervals during its use, to ensure that it is safe. Any gear which is found upon ~~((such))~~ inspection to be ~~((visibly))~~ unsafe shall not be used until it is made safe.

(c) Defective gear shall not be used. Distorted hooks, shackles, or similar gear shall be discarded.

(d) Chains or other gear which have been lengthened, altered, or repaired by welding shall be properly heat treated ~~((where necessary)), and((;))~~ before again being put into use, shall be tested and reexamined in the manner set forth in WAC 296-56-60097 and 296-56-60098.

(2) The employer shall maintain a record of the dates and results of the tests with each unit of gear concerned clearly ~~((identifiable))~~ identified. The records shall be available for examination by ~~((representatives of the))~~ division of industrial safety and health personnel and the employee safety committee.

(3) Wire rope and wire rope slings.

(a) The employer shall ascertain and adhere to the manufacturer's recommended ratings for wire rope and wire rope slings and shall have such ratings available ~~((for inspection))~~ at the terminal. When the manufacturer is unable to supply such ratings, the employer shall use the tables for wire rope and wire rope slings found in American National Safety Standard for Slings, ~~((current))~~ ANSI B30.9. A design safety factor of at least five shall be maintained for the common sizes of running wire used as falls, in purchases or in such uses as light load slings. Wire rope with a safety factor of less than five may be used only:

(i) In specialized equipment, such as ~~((but not limited to))~~ cranes~~((;))~~ designed to be used with lesser wire rope safety factors;

(ii) In accordance with design factors in standing rigging applications; or

(iii) For heavy lifts or other purposes for which a safety factor of five is ~~((impracticable))~~ impractical and for which the employer can demonstrate that equivalent safety is ensured.

(b) Wire rope or wire rope slings ~~((having))~~ exhibiting any of the following conditions shall not be used:

(i) Ten randomly distributed broken wires in one rope lay or three or more broken wires in one strand in one rope lay;

(ii) Kinking, crushing, bird caging, or other damage resulting in distortion of the wire rope structure;

(iii) Evidence of heat damage;

(iv) Excessive wear ~~((or))~~ corrosion, deformation or other defect in the wire or attachments, including cracks in attachments;

(v) Any indication of strand or wire slippage in end attachments; or

(vi) More than one broken wire in the close vicinity of a socket or swaged fitting.

(c) Protruding ends of strands in splices on slings and bridles shall be covered or blunted. Coverings shall be removable so that splices can be examined. Means used to cover ((or)) blunt ends shall not damage the wire.

(d) Where wire rope clips are used to form eyes, the employer shall adhere to the manufacturer's recommendations, which shall be available at the terminal. If "U" bolt clips are used and the manufacturer's recommendations are not available, Table C-1 shall be used to determine the number and spacing of clips. "U" bolts shall be applied with the "U" section in contact with the dead end of the rope.

TABLE C-1—NUMBER AND SPACING OF U-BOLT WIRE ROPE CLIPS

Improved plow steel rope diameter inches/(cm)	Minimum number of clips		Minimum spacing inches/(cm)
	Drop forged	Other material	
1/4 or less(1.3)	3	4	3(7.6)
3/8(1.6)	3	4	3 3/4(9.5)
1/2(1.9)	4	5	4 1/2(11.4)
5/8(2.2)	4	5	5 1/4(13.3)
1(2.5)	5	7	6(15.2)
1 1/8(2.7)	6	7	6 3/4(17.1)
1 1/4(3.2)	6	8	7 1/2(18.1)
1 3/8(3.5)	7	8	8 1/4(21.0)
1 1/2(3.8)	7	9	9(22.9)

(e) Wire rope shall not be secured by knots.

(f) Eyes in wire rope bridles, slings, bull wires, or in single parts used for hoisting shall not be formed by wire rope clips or knots.

(g) Eye splices in wire ropes shall have at least three tucks with a whole strand of the rope and two tucks with one-half of the wire cut from each strand. Other forms of splices or connections which are ((shown)) demonstrated to be ((equivalently)) equally safe may be used.

(h) Except for eye splices in the ends of wires and for endless rope slings, each wire rope used in hoisting or lowering, or in bulling cargo, shall consist of one continuous piece without knot or splice.

(4) Natural fiber rope.

(a) The employer shall ascertain the manufacturer's ratings for the specific natural fiber rope used and have such ratings available at the terminal. The manufacturer's ratings shall be adhered to and a minimum design safety factor of five maintained.

(b) Eye splices shall consist of at least three full tucks. Short splices shall consist of at least six full tucks, three on each side of the center line.

(5) Synthetic rope.

(a) The employer shall adhere to the manufacturer's ratings and use recommendations for the specific synthetic fiber rope used and shall have such ratings available at the terminal.

(b) Unless otherwise recommended by the manufacturer, when synthetic fiber ropes are substituted for manila ropes of less than three inches (7.62 cm) ((in))

circumference, the substitute shall be of equal size. Where substituted for manila rope of three inches or more in circumference, the size of the synthetic rope shall be determined from the formula:

$$\left(\frac{C = \sqrt{0.6C_s^2 + 0.4C_m^2}}{C = \sqrt{.6(C_s^2) + .4(C_m^2)}} \right)$$

Where C = the required circumference of the synthetic rope in inches, C_s = the circumference to the nearest one-quarter inch of a synthetic rope having a breaking strength not less than that of the size manila rope that would be required by subsection (4) of this section, and C_m = the circumference of manila rope in inches which would be required by subsection (4) of this section. In making such substitution, it shall be ascertained that the inherent characteristics of the synthetic fiber are suitable for hoisting.

(6) Removal of natural and synthetic rope from service. Natural ((and)) or synthetic rope having any of the following defects shall be removed from service:

- (a) Abnormal wear;
- (b) Powdered fiber between strands;
- (c) Sufficient cut or broken fibers to affect the ((capacity)) capacity of the rope;
- (d) Variations in the size or roundness of strands;
- (e) Discolorations other than stains not associated with rope damage;
- (f) Rotting; or
- (g) Distortion or other damage to attached hardware.
- (7) Thimbles. Properly fitting thimbles shall be used where any rope is secured permanently to a ring, shackle or attachment, where ((practicable)) practical.
- (8) Synthetic web slings.

(a) Slings and nets or other combinations of more than one piece of synthetic webbing assembled and used as a single unit (synthetic web slings) shall not be used to hoist loads in excess of the sling's rated capacity.

(b) Synthetic web slings shall be removed from service if they exhibit any of the following defects:

- (i) Acid or caustic burns;
- (ii) Melting or charring of any part of the sling surface;
- (iii) Snags, punctures, tears or cuts;
- (iv) Broken or worn stitches; or
- (v) Distortion or damage to fittings.

(c) Defective synthetic web slings removed from service shall not be returned to service unless repaired by a sling manufacturer or similar entity. Each repaired sling shall be proof tested by the repairer to twice the slings' rated capacity prior to its return to service. The employer shall retain a certificate of the proof test and make it available for examination.

(d) Synthetic web slings provided by the employer shall only be used in accordance with the manufacturer's ((use)) recommendations, which shall be made available upon request.

(e) Fittings shall have a breaking strength at least equal to that of the sling to which they are attached and shall be free of sharp edges.

(9) Chains and chain slings used for hoisting.

(a) The employer shall adhere to the manufacturer's recommended ratings for safe working loads for the

sizes of alloy steel chains and chain slings ((used)) and shall have such ratings available. When the manufacturer is unable to provide such ratings, the employer shall use the tables for chains and chain slings found in American National Safety Standard for Slings, ANSI B30.9--((current revision)) 1971.

(b) Proof coil steel chain, also known as common or hardware chain, and other chain not recommended by the manufacturer for slinging or hoisting shall not be used for slinging or hoisting.

(c)(i) Sling chains, including end fastenings, shall be inspected for visible defects before each day's use and as often as necessary during use to ensure integrity of the sling.

(ii) Thorough inspections of chains in use shall be made quarterly to detect wear, defective welds, deformation ((or)), increase in length or stretch. The month of inspection shall be indicated on each chain by color of paint on a link or by other ((equally)) effective means.

(iii) Chains shall be removed from service when maximum allowable wear, as indicated in Table C-2, is reached at any point of link.

(iv) Chain slings shall be removed from service when stretch has increased the length of a measured section by more than five percent; when a link is bent, twisted or otherwise damaged; or when a link has a raised scarf or defective weld.

(v) Only designated persons shall inspect chains used for slinging and hoisting.

TABLE C-2.—MAXIMUM ALLOWABLE WEAR AT ANY POINT OF LINK

Chain size		Maximum allowable wear	
Inches	(cm)	Inches	(cm)
1/4 (0.6)		1/16 (0.1)	
3/8 (1.0)		1/8 (0.2)	
1/2 (1.3)		3/16 (0.3)	
5/8 (1.6)		1/4 (0.4)	
3/4 (1.9)		5/16 (0.4)	
7/8 (2.2)		3/8 (0.5)	
1 (2.5)		1/2 (0.6)	
1 1/8 (2.9)		5/8 (0.7)	
1 1/4 (3.2)		3/4 (0.8)	
1 3/8 (3.5)		7/8 (0.9)	
1 1/2 (3.8)			
1 3/4 (4.4)			

(d) Chains shall only be repaired under qualified supervision. Links or portions of chain defective under any of the criteria of WAC 296-56-60073 (9)(c)((tr)) shall be replaced with properly dimensioned links or connections of material similar to that of the original chain. Before repaired chains are returned to service, they shall be tested to the proof test load recommended by the manufacturer for the original chain. Tests shall be performed by the manufacturer or shall be certified by an agency accredited for the purpose under WAC 296-56-60093. Test certificates shall be available at the terminal.

(e) Alloy chains shall not be annealed.

(f) Kinked or knotted chains shall not be used for lifting. Chains shall not be shortened by bolting, wiring or knotting. Makeshift links or fasteners such as wire, bolts or rods shall not be used.

(g) Hooks, rings, links and attachments affixed to sling chains shall have rated capacities at least equal to that of the chains to which they are attached.

(h) Chain slings shall bear identification of size, grade and rated capacity.

(10) Shackles.

(a) If available, the manufacturer's recommended safe working loads for shackles shall not be exceeded. In the absence of manufacturer's recommendations, Table C-3 shall apply.

(b) Screw pin shackles used aloft in house fall or other gear, except in cargo hook assemblies, shall have their pins moused or otherwise effectively secured.

TABLE C-3.—SAFE WORKING LOADS FOR SHACKLES

Material size		Pin diameter		Safe working load on 2,000 lb tons
Inches	(cm)	Inches	(cm)	
1/4	(1.3)	1/8	(1.6)	1.4
3/8	(1.6)	1/4	(1.9)	2.2
1/2	(1.9)	3/8	(2.2)	3.2
5/8	(2.2)	1/2	(2.5)	4.3
3/4	(2.5)	5/8	(2.9)	5.6
7/8	(2.9)	3/4	(3.2)	6.7
1	(3.2)	7/8	(3.5)	8.2
1 1/8	(3.5)	1	(3.8)	10.0
1 1/4	(3.8)	1 1/8	(4.1)	11.9
1 3/8	(4.4)	1 1/4	(5.0)	16.2
1 1/2	(5.0)	1 3/8	(5.7)	21.2

(c) Tables G-2 through G-5 shall be used to determine the safe working loads of various sizes and classifications of improved plow steel wire rope slings with various types of terminals. For sizes, classifications and grades not included in these tables the safe working load recommended by the manufacturer for specific, identifiable products shall be followed ((: PROVIDED; That)), however, a safety factor of not less than five ((is)) shall be maintained.

TABLE G-1
MANILA ROPE
(In pounds or tons of 2000 pounds)

Circumference	Diameter in inches	Single Leg			
		60°	45°	30°	
3/4	1/4	120 lbs.	204 lbs.	170 lbs.	120 lbs.
1	5/16	200	346	282	200
1-1/8	3/8	270	467	380	270
1-1/4	7/16	350	605	493	350
1-3/8	15/32	450	775	635	450
1-1/2	1/2	530	915	798	530
1-3/4	9/16	690	1190	973	690
2	5/8	880	1520	1240	880
2-1/4	3/4	1080	1870	1520	1080
2-1/2	13/16	1300	2250	1830	1300
2-3/4	7/8	1540	2660	2170	1540
3	1	1800	3120	2540	1800
3-1/4	1-1/16	1.0 Tons	1.7 Tons	1.4 Tons	1.0 Tons
3-1/2	1-1/8	1.2	2.1	1.7	1.2
3-3/4	1-1/4	1.35	2.3	1.9	1.35
4	1-5/16	1.5	2.6	2.1	1.5
4-1/2	1-1/2	1.8	3.1	2.5	1.8
5	1-5/8	2.25	3.9	3.2	2.25
5-1/2	1-3/4	2.6	4.5	3.7	2.6
6	2	3.1	5.4	4.4	3.1
6-1/2	2-1/8	3.6	6.2	5.1	3.6

In making such a substitution it should be ascertained that the inherent characteristics of the synthetic fiber are suitable for the intended service of the rope.

TABLE G-2
RATED CAPACITIES FOR IMPROVED PLOW STEEL,
INDEPENDENT WIRE ROPE CORE,
WIRE ROPE AND WIRE ROPE SLINGS
(In tons of 2000 pounds)

Rope Dia. Inches	SINGLE LEG					
	Vertical			Choker		
	A	B	C	A	B	C
6x19 CLASSIFICATION						
1/4"	.59	.56	.53	.44	.42	.40
3/8"	1.3	1.2	1.1	.98	.93	.86
1/2"	2.3	2.2	2.0	1.7	1.6	1.5
5/8"	3.6	3.4	3.0	2.7	2.5	2.2
3/4"	5.1	4.9	4.2	3.8	3.6	3.1
7/8"	6.9	6.6	5.5	5.2	4.9	4.1
1"	9.0	8.5	7.2	6.7	6.4	5.4
1-1/8"	11.	10.	9.0	8.5	7.8	6.8
6x37 CLASSIFICATION						
1-1/4"	13.	12.	10	9.9	9.2	7.9
1-3/8"	16.	15.	13.	12.	11.	9.6
1-1/2"	19.	17.	15.	14.	13.	11.
1-3/4"	26.	24.	20.	19.	18.	15.
2"	33.	30.	26.	25.	23.	20.
2-1/4"	41.	38.	33.	31.	29.	25.

(A) - Socket or Swaged Terminal attachment.
(B) - Mechanical Sleeve attachment.
(C) - Hand Tucked Splice attachment.

TABLE G-5
RATED CAPACITIES FOR IMPROVED PLOW STEEL,
FIBER CORE, WIRE ROPE SLINGS
(In tons of 2000 pounds)

Rope Dia. Inches	TWO - LEG BRIDLE OR BASKET HITCH											
	Vertical			60°			45°			30°		
	A	B	C	A	B	C	A	B	C	A	B	C
6x19 CLASSIFICATION												
1/4"	1.3	1.0	.99	.95	.91	.85	.77	.73	.70	.63	.61	.58
3/8"	2.4	2.2	2.1	2.1	1.9	1.8	1.7	1.6	1.5	1.2	1.1	1.1
1/2"	4.2	3.9	3.7	3.7	3.4	3.2	3.0	2.8	2.6	2.1	2.0	1.8
5/8"	6.7	6.2	5.4	5.3	4.8	4.5	4.4	4.4	4.6	3.3	3.1	2.8
3/4"	9.5	8.8	7.8	8.2	7.6	6.8	6.7	6.2	5.5	4.8	4.4	3.9
7/8"	13.	12.	10.	11.	10.	8.9	9.1	8.4	7.3	6.4	5.9	5.1
1"	17	15.	12.	14.	13.	11.	12.	11.	9.4	8.4	7.7	6.7
1-1/8"	21.	19.	17.	18.	16.	14.	15.	13.	12.	10.	9.5	8.4
6x37 CLASSIFICATION												
1-1/4"	25.	23.	20.	21.	19.	17.	16.	14.	13.	11.	10.	9.8
1-3/8"	30.	27.	24.	24.	22.	20.	21.	19.	17.	15.	13.	12.
1-1/2"	35.	32.	28.	30.	27.	24.	25.	22.	20.	17.	16.	14.
1-3/4"	48.	43.	38.	43.	37.	33.	43.	36.	30.	24.	21.	19.
2"	62.	58.	49.	53.	46.	43.	43.	39.	35.	31.	28.	25.

(A) - Socket or Swaged Terminal attachment.
(B) - Mechanical Sleeve attachment.
(C) - Hand Tucked Splice attachment.

TABLE G-6
ALLOY STEEL CHAIN
(In tons of 2000 pounds)

Nominal Chain Stock Inch.	Single Leg	60°	45°	30°
1/4"	1.62	2.82	2.27	1.62
3/8"	3.30	5.70	4.65	3.30
1/2"	5.62	9.75	7.90	5.62
5/8"	8.25	14.25	11.65	8.25
3/4"	11.5	19.9	16.2	11.5
7/8"	14.3	24.9	20.3	14.3
1"	19.3	33.5	27.3	19.8
1-1/8"	22.2	38.5	31.5	22.2
1-1/4"	28.7	49.7	40.5	28.7
1-3/8"	33.5	58.0	47.0	33.5
1-1/2"	39.7	68.5	56.0	39.7
1-5/8"	43.	73.5	59.5	42.5
1-3/4"	47.0	81.5	62.0	47.0

TABLE G-3
RATED CAPACITIES FOR IMPROVED PLOW STEEL, INDEPENDENT
WIRE ROPE CORE, WIRE ROPE SLINGS
(In tons of 2000 pounds)

Rope Dia. Inches	TWO - LEG BRIDLE OR BASKET HITCH											
	Vertical			60°			45°			30°		
	A	B	C	A	B	C	A	B	C	A	B	C
6x19 CLASSIFICATION												
1/4"	1.2	1.1	1.0	1.0	.97	.92	.83	.79	.75	.69	.66	.63
3/8"	2.6	2.5	2.3	2.3	2.1	2.0	1.8	1.6	1.3	1.2	1.1	1.1
1/2"	4.6	4.4	3.9	4.0	3.8	3.4	3.2	3.1	2.8	2.3	2.2	2.0
5/8"	7.2	6.8	6.0	6.2	5.8	5.1	4.8	4.6	4.1	3.4	3.0	2.8
3/4"	10.	9.7	8.4	8.9	8.6	7.3	7.2	6.9	5.9	5.1	4.9	4.2
7/8"	14.	13.	11.	12.	11.	9.6	9.8	9.3	7.8	6.9	6.6	5.5
1"	18.	17.	14.	15.	15.	13.	13.	12.	10.	9.0	8.9	7.2
1-1/8"	23.	21.	18.	19.	18.	16.	16.	15.	13.	11.	10.	9.0
6x37 CLASSIFICATION												
1-1/4"	28.	24.	21.	23.	21.	18.	19.	17.	15.	13.	12.	10.
1-3/8"	32.	29.	25.	28.	25.	22.	22.	21.	18.	16.	15.	13.
1-1/2"	38.	35.	30.	32.	30.	26.	27.	25.	21.	19.	17.	15.
1-3/4"	51.	47.	41.	44.	41.	35.	36.	33.	29.	24.	24.	20.
2"	64.	62.	53.	57.	53.	47.	47.	43.	37.	30.	30.	26.
2-1/4"	83.	76.	66.	72.	68.	57.	58.	54.	47.	41.	38.	33.

(A) - Socket or Swaged Terminal Attachment.
(B) - Mechanical Sleeve Attachment.
(C) - Hand Tucked Splice Attachment.

TABLE G-4
RATED CAPACITIES FOR IMPROVED PLOW STEEL,
FIBER CORE, WIRE ROPE AND
WIRE ROPE SLINGS
(In tons of 2000 pounds)

Rope Dia. Inches	SINGLE LEG					
	Vertical			Choker		
	A	B	C	A	B	C
6x19 CLASSIFICATION						
1/4"	.55	.51	.49	.41	.38	.37
3/8"	1.2	1.1	1.1	.91	.85	.80
1/2"	2.1	2.0	1.8	1.6	1.5	1.4
5/8"	3.3	3.1	2.8	2.5	2.3	2.1
3/4"	4.8	4.4	3.9	3.6	3.3	2.9
7/8"	6.4	5.9	5.1	4.8	4.5	3.9
1"	8.4	7.7	6.7	6.3	5.8	5.0
1-1/8"	10.	9.5	8.4	7.9	7.1	6.3
6x37 CLASSIFICATION						
1-1/4"	12.	11.	9.8	9.2	8.3	7.4
1-3/8"	15.	13.	12.	11.	10.	8.9
1-1/2"	17.	16.	14.	13.	12.	10.
1-3/4"	24.	21.	19.	18.	16.	14.
2"	31.	28.	25.	23.	21.	18.

(A) - Socket or Swaged Terminal attachment.
(B) - Mechanical Sleeve attachment.
(C) - Hand Tucked Splice attachment.

- (11) Hooks other than hand hooks.
 - (a) The manufacturer's recommendations shall be followed in determining the safe working loads of the various sizes and types of specific and identifiable hooks. All hooks for which no applicable manufacturer's recommendations are available shall be tested to twice the intended safe working load before they are initially put into use. The employer(s) shall maintain a record of the dates and results of such tests.
 - (b) Loads shall be applied to the throat of the hook since loading the point may overstress((cs and)), bend((s)), or spring((s)) the hook.
 - (c) Hooks shall be inspected once a month to see that they have not been bent by overloading. Bent or sprung hooks shall not be used.
 - (d) Crane hooks. Magnetic particle or other suitable crack detecting inspection shall be performed at least once each year. When testing by x-ray, the pertinent provisions of the Nuclear Regulatory Commission's standards for protection against radiation, relating to protection against occupational radiation exposure, shall apply.
 - (e) Any activity which involves the use of radioactive materials or x-rays, whether or not under license from the Nuclear Regulatory Commission, shall be performed by competent persons specially trained in the proper and safe operation of such equipment. In the case of materials used under commission license, only persons actually

licensed, or competent persons under direction and supervision of the licensee, shall perform such work.

(f) Teeth of case hooks shall not be split, cracked, or deformed.

(g) Jaws of patent clamp type plate hooks shall be kept in safe condition so that they will grip plates securely.

(12) Pallets.

(a) Pallets shall be made and maintained to safely support and carry loads being handled. Fastenings of reusable pallets used for hoisting shall be bolts and nuts, drive screws (helically threaded nails), annular threaded nails or fastenings, or equivalent holding strength.

(b) Damaged pallets shall be stored in designated areas and identified.

(c) Reusable wing or lip-type pallets shall be hoisted by bar bridles or other suitable gear and shall have an overhanging wing or lip of at least three inches (76.2 mm). They shall not be hoisted by wire slings alone.

(d) Loaded pallets that do not meet the requirements of this paragraph shall be hoisted only after being placed on pallets meeting such requirements or shall be handled by other means providing equivalent ~~((safety))~~ protection.

(e) Bridles for handling flush end or box-type pallets shall be designed to prevent disengagement from the pallet under load.

(f) Pallets shall be stacked or placed to prevent falling, collapsing or otherwise causing a hazard under standard operating conditions.

(g) Disposable pallets intended only for one use shall not be re-used for hoisting.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓ WAC 296-56-60075 CARGO BOARDS AND OTHER TYPE PALLET BOARDS. (1) ~~((The term))~~ "Cargo board" ~~((shall))~~ means the typical wing or lip-type stevedore board hoisted to or from vessels by means of a bar bridle. "Other pallet boards" includes all other platforms used to hold cargo for the purpose of transporting it from place to place.

(2) All pallets and cargo boards shall be of such material and construction as to safely support and carry loads being handled ~~((on them))~~.

(3) All cargo boards shall be sheathed (decked) top and bottom with the top sheathing being of two-inch lumber and ~~((with the top sheathing))~~ extending at least six inches beyond the end stringers.

(4) The outer sheathing boards or boards adjacent thereto on cargo boards shall be fastened to the stringers by bolts and nuts. Other sheathing shall be fastened by bolts and nuts, drive screws (helically threaded nails), annular threaded nails, or fastenings of equivalent strength.

(5) Pallet boards, other than cargo boards, may be hoisted if safe means are provided for the type of board used.

(6) Loaded cargo or pallet boards which do not meet the requirements of this section shall be reboarded or placed on cargo boards meeting the requirements of this section before being hoisted, ~~((provided))~~ only if the

weight of the load can be safely distributed on the cargo board.

(7) Cargo boards which are not loaded and secured so that the load will not tip or fall shall not be hoisted.

(8) Bridles used to handle flush-end or box-type pallets shall be of such a design as to prevent them from becoming disengaged from the pallet under load.

NOTE: In areas where ~~((the))~~ a two lip cargo board is being used, that practice shall ~~((remain))~~ continue. The department of labor and industries recommends the use of the two lip cargo board.

AMENDATORY SECTION (Amending Order 85-09, filed 4/19/85)

✓ WAC 296-56-60077 POWERED INDUSTRIAL TRUCKS. (1) Applicability. This section applies to every type of powered industrial truck used for material or equipment handling within a marine terminal. It does not apply to over-the-road vehicles.

(2) General.

(a) ~~((After October 3, 1983,))~~ Modifications, such as adding counterweights, that might affect the vehicle's capacity or safety shall not be performed without either the manufacturer's prior written approval or the written approval of a professional engineer experienced with the equipment who has consulted with the manufacturer, if available. Capacity, operation and maintenance instruction plates, tags or decals shall be changed to conform to the equipment as modified.

(b) Unauthorized personnel shall not ride on powered industrial trucks. A safe place to ride shall be provided when riding is authorized.

(c) When a powered industrial truck is left unattended, load-engaging means shall be fully lowered, controls neutralized and brakes set. Unless the truck is in view and within twenty-five feet (7.6 m) of the operator, power shall be shut off. Wheels shall be blocked or curbed if the truck is on an incline.

(d) Powered industrial trucks shall not be operated inside highway vehicles or railcars having damage which could affect operational safety.

(e) Powered industrial trucks shall be marked with their rated capacities, which shall be visible to the operator.

(f) Only stable and ~~((safety))~~ safely arranged loads within the rated capacity of the truck shall be handled.

(g) ~~((The employer shall direct))~~ Drivers ~~((to))~~ shall ascend and descend grades slowly.

(h) ~~((The employer shall direct))~~ Drivers ~~((to))~~ shall slow down and sound the horn at crossaisles and other locations where visibility is obstructed.

(i) If the load obstructs the forward view ~~((, the employer shall direct))~~ drivers ~~((to))~~ shall travel with the load trailing.

(j) Steering knobs shall not be used unless the truck is equipped with power steering.

(k) When powered industrial trucks use cargo lifting devices that have a means of engagement hidden from the operator, a means shall be provided to enable the operator to determine that the cargo has been engaged.

(l) When cargo is being towed on pipe trucks or similar equipment, a safe means shall be provided to protect the driver from sliding loads.

(3) Maintenance.

(a) Only designated persons shall perform maintenance and repair.

(b) Batteries on all powered trucks shall be disconnected during repairs to the primary electrical system unless power is necessary for testing and repair. On trucks equipped with systems capable of storing residual energy, that energy shall be safely discharged before work on the primary electrical system begins.

(c) Replacement parts whose function might affect operational safety shall be equivalent in strength and performance capability to the original parts which they replace.

(d) Braking systems or other mechanisms used for braking shall be operable and in safe condition.

(e) Powered industrial trucks shall be maintained in safe working order. Safety devices shall not be removed or made inoperative except as otherwise provided in this section. Trucks with a fuel system leak or any other safety defect shall not be operated.

(f) Those repairs to the fuel and ignition systems of industrial trucks which involve fire hazards shall be conducted only in locations designated as safe for such repairs.

(4) Approved trucks.

(a) "Approved power-operated industrial truck" means one listed or approved for the intended use by a nationally recognized testing laboratory.

(b) Approved trucks acquired and used after February 15, 1972, shall bear a label or other identification indicating testing laboratory approval.

(c) When the atmosphere in an area is hazardous and the provisions of United States Coast Guard regulations at 33 CFR 126.15(e) do not apply, only power-operated industrial trucks approved for such locations shall be used.

(5) Duties of operator.

(a) A power-driven vehicle operator's special duties are:

(i) To operate the vehicle in a safe manner.

(ii) To test brakes, steering gear, lights, horns, or other warning devices, clutches, etc., before starting work.

(iii) To have the vehicle at all times under control so that it can be brought to an emergency stop in the clear space in front of the vehicle.

(iv) To back down any incline of two percent or more when traveling with a load on the fork lift jitney.

(b) Unobstructed view. When traveling, power-propelled vehicles shall at all times be operated in a manner giving the operator a reasonably unobstructed view in the direction of travel ~~((or))~~. Where this is impractical, the operator shall be directed in travel, by a person designated to do so.

(c) Employee riding safety. Operators and authorized passengers shall not be permitted to ride with legs or arms extending outside any vehicle nor shall they be permitted to ride while standing unless the vehicle is designed to be operated from a standing position.

(d) Moving vehicles. Vehicles shall be controlled manually while being pushed or towed except when a tow bar is used. Special precautions shall be taken when pushing vehicles where view is obstructed. Vehicles shall not be pushed with blades of a forklift.

(e) Moving highway trailers. In all cargo operations involving the use of highway trailers, ~~((such))~~ trailers shall be moved in such a manner that ~~((at all times))~~ the moving trailer is completely under control at all times. Special caution shall be exercised when such trailers are moving on inclines. Trailers shall be loaded in a manner which will prevent the cargo from shifting, and the load in the trailer shall be evenly distributed so as not to cause the trailer to tip to one side.

(f) Prohibited forms of riding. Riding on tongue or handles of trailers or forks of power-propelled vehicles is prohibited.

(g) Regular seats for riders. No one except the operator shall ride on power-driven vehicles unless regular seats are provided to accommodate passengers.

(h) Jumping on or off moving vehicles. Employees shall not jump on or off moving vehicles.

(i) Reporting defects. If a power-driven vehicle is at any time found to be in any way unsafe, the operator shall report same immediately to the person in charge and such vehicle shall not be used for production work until it has been made safe.

(6) Vehicle equipment and maintenance.

(a) Horns and lights. All power-propelled vehicles shall be provided with horns or other warning devices.

(b) Power-propelled vehicles used for night work, when required to travel away from an illuminated work area shall be equipped with a light or lights directed in the direction of travel ~~((as required))~~ in order to safely travel about the area.

(c) Guards on operator's platform. Every power truck operated from an end platform or standing position shall be equipped with a substantial guard securely attached to the platform or frame of the vehicle in such a manner as to protect the operator from falling objects and so designed that the operator can easily mount or dismount from the operating station.

(d) Seat cushions. All vehicles having a driver's seat shall be provided with resilient seat cushions fixed in place.

(e) Securing of counterbalances. Counterbalances of all power-driven vehicles shall be positively secured to prevent ~~((accidentally))~~ accidental dislodging, but may be a removable type which may be removed, if desired, prior to hoisting the vehicle.

(f) Exhaust pipes and mufflers. Exhaust pipes and mufflers of internal combustion engines, where workers are exposed to contact shall be isolated or insulated. Exhaust pipes shall be constructed to discharge not less than seventy-two inches above the floor on jitneys and eighty-four inches on forklifts or less than twenty inches from the floor.

(g) Ventilation where internal ~~((combustion-type))~~ combustion vehicles are used. Internal ~~((combustion-type))~~ combustion engines may be used only in areas where adequate ventilation is provided.

(h) Concentration levels of carbon monoxide gas created by powered industrial truck operations shall not exceed the levels specified in WAC ((~~296-62-075 (General occupational health standards)~~) 296-56-60055).

(i) When disputes arise concerning degree of concentration, methods of sampling to ascertain the conditions should be referred to a qualified industrial hygienist.

(j) Cargo truck couplings. Couplings installed on cargo trucks (four-wheelers) shall be of a type which will prevent accidental disengaging.

(k) Operating levers. Operating levers on power-driven vehicles shall be so placed as not to project toward the operator's body.

(l) Front axle assembly ((~~secure~~)). The front axle assembly on all trailers shall be securely fastened to the truck bed.

(m) Air line hook-up. Tractors hauling heavy duty highway trailers shall have an air line brake hook-up.

(n) Floor mats. On power-driven vehicles where the operator stands on a platform, resilient foot mats shall be securely attached.

(o) Cleaning vehicles. All power-propelled vehicles shall be cleaned at frequent intervals to remove any accumulation of dust and grease that may present a hazard.

(7) Forklift trucks.

(a) Overhead guards.

(i) When operators are exposed to overhead falling hazards, ((~~the employer shall ensure that~~)) forklift trucks ((~~are~~)) shall be equipped with securely attached overhead guards. Guards shall be constructed to protect the operator from falling boxes, cartons, packages, or similar objects.

(ii) Overhead guards shall not obstruct the operator's view, and openings in the top of the guard shall not exceed six inches (15.2 cm) in one of the two directions, width or length. Larger openings are permitted if no opening allows the smallest unit of cargo being handled to fall through the guard.

(iii) Overhead guards shall be built so that failure of the vehicle's mast tilting mechanism will not displace the guard.

(iv) An overhead guard, otherwise required by this paragraph, may be removed only when it would prevent a truck from entering a work space and if the operator is not exposed to low overhead obstructions in the work space.

(v) Overhead guards shall be large enough to extend over the operator during all truck operations, including forward tilt.

(b) Supplies to ship's rail. Cargo or supplies shall not be hoisted to or from ship's rail with a forklift. This does not apply to ramp or side port loading.

(c) Position of forks. When standing, lift forklift forks shall be lowered to floor. When moving, lift forklift forks shall be kept as low as possible.

(d) Forklift use in gangplank moving. Not less than two forklifts shall be used to place or remove gangplanks unless fork width prevents tipping and manufacturer's rated lifting capacity of the forklift is not exceeded.

(e) Forklift seat covers. Seats on forklifts shall be provided with a removable waterproof cover when they are exposed to the weather.

(f) Raised equipment to be blocked. Workers shall not work below the raised bed of a dump truck, raised buckets of front end loaders, raised blades of tractors or in similar positions without blocking the equipment in a manner that will prevent it from falling. When working under equipment suspended by use of jacks, safety stands or blocking shall ((~~also~~)) be used in conjunction with the jack.

(g) Maximum speed. The maximum speed for forklifts on all docks shall not exceed eight miles per hour. ((~~This~~)) The speed limit shall be prominently posted on such docks.

(h) Load backrest extensions. Where necessary to protect the operator, forklift trucks shall be fitted with a vertical load backrest extension to prevent the load from hitting the mast when the mast is positioned at maximum backward tilt. For this purpose, a "load backrest extension" means a device extending vertically from the fork carriage frame to prevent raised loads from falling backward.

(i) Forks. Forks, fork extensions and other attachments shall be secured so that they cannot be accidentally dislodged, and shall be used only in accordance with the manufacturer's recommendations.

(j) Counterweights. Counterweights shall be so affixed that they cannot be accidentally dislodged.

(k) Capacities and weights.

(i) Forklift truck rated capacities, with and without removable counterweights, shall not be exceeded. Rated capacities shall be marked on the vehicle and shall be visible to the operator. The vehicle weight, with and without counterweight, shall be similarly marked.

(ii) If loads are lifted by two or more trucks working in unison, the total weight of the load shall not exceed the combined rated lifting capacity of all trucks involved.

(l) Lifting of employees. Employees may be elevated by forklift trucks only when a platform is secured to the lifting carriage or forks. The platform shall meet the following requirements:

(i) The platform shall have a railing complying with WAC 296-56-60123(3).

(ii) The platform shall have toeboards complying with WAC 296-56-60123(4), if tools or other objects could fall on employees below.

(iii) When the truck has controls which are elevated with the lifting carriage, means shall be provided for employees on the platform to shut off power to the vehicle.

(iv) Employees on the platform shall be protected from exposure to moving truck parts.

(v) The platform floor shall be skid resistant.

(vi) A truck operator shall be at the truck's controls when employees are elevated unless the truck's controls are elevated with the lifting carriage.

(vii) While employees are elevated, the truck may be moved only to make minor placement adjustments.

(8) Bulk cargo-moving vehicles.

(a) Where a seated operator may come into contact with projecting overhead ~~((s))~~ members, crawler-type bulk-cargo-moving vehicles that are rider operated shall be equipped with operator ~~((s))~~ guards.

(b) Guards and their attachment points shall be so designed as to be able to withstand, without excessive deflection, a load applied horizontally at the operator's shoulder level equal to the drawbar pull of the machine.

(9) Straddle trucks.

(a) Accessibility. Straddle trucks shall have a permanent means of access to the operator's station, including any handholds necessary for safe ascent and descent.

(b) Guarding.

(i) Main sprockets and chains to the wheels shall be guarded as follows:

(A) The upper sprocket shall be fully enclosed;

(B) The upper half of the lower sprocket shall be enclosed; and

(C) The drive chain shall be enclosed to a height of eight feet (2.6 m) except for that portion at the lower half of the lower sprocket.

(ii) Gears shall be fully enclosed and revolving parts which may be contacted by the operator shall be guarded.

(iii) When straddle trucks are used in the vicinity of employees, personnel-deflecting guards shall be provided around leading edges of front and rear wheels.

(c) Visibility. Operator visibility shall be provided in all directions of movement.

(10) Trailer-spotting tractors.

(a) Trailer-spotting tractors (fifth wheels) shall be fitted with any hand grabs and footing necessary for safe access to the fifth wheel.

(b) Rear cab windows shall be of safety glass or ~~((of))~~ equivalent material.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓ WAC 296-56-60079 GENERAL RULES APPLICABLE TO VEHICLES. (1) The requirements of this section apply to general vehicle use within marine terminals except in cases where the provisions of subsections (3) and (13) of this section are preempted by ~~((applicable))~~ regulations of the department of transportation.

(2) Private vehicle parking in marine terminals shall be allowed only in designated areas.

(3) Trailers shall not be disconnected from tractors at loading docks until the road wheels have been immobilized. The road wheels shall be immobilized from the time the brake system is disconnected until braking is again provided. Supplementary front end support shall be employed as necessary to prevent tipping when a trailer is entered by a material handling vehicle. Rear end support shall be employed if rear wheels are so far forward as to allow tipping when the trailer is entered.

(4) The employer shall direct motor vehicle operators to comply with any posted speed limits ~~((and))~~ other traffic control signs or signals, and written traffic instructions.

(5) Stop signs shall be posted at main entrances and exits of structures where visibility is impaired, and at

blind intersections, unless direct traffic control ~~((or))~~, warning mirror systems or other systems of equivalent safety are provided.

(6) Vehicular routes, traffic rules ~~((;))~~ and parking areas shall be established, identified ~~((;))~~ and used.

(7) ~~((The employer shall direct))~~ Vehicle drivers ~~((to))~~ shall warn ~~((employees))~~ anyone in traffic lanes of the vehicle's approach.

(8) Signs indicating pedestrian traffic shall be clearly posted at vehicular check-in and check-out lines and similar locations ~~((where employees may be working))~~.

(9) A distance of not less than twenty feet (4.5 m) shall be maintained between the first two vehicles in a check-in ~~((;))~~ or check-out ~~((roadability))~~ line, or vessel loading ~~((;))~~ or discharging line. This distance shall be maintained between any ~~((subsequent))~~ vehicles behind which employees ~~((are required to))~~ work.

(10) No unattended vehicle shall be left with its engine running unless secured against movement (see WAC 296-56-60077 for powered industrial trucks).

(11) When the rear of a vehicle is elevated to facilitate loading or discharging, a ramp shall be provided and secured. The vehicle shall be secured against accidental movement during loading or discharging.

(12) Only ~~((highway))~~ vehicle floors in safe condition shall be used.

(13) When flatbed trucks, platform containers or similar conveyances are loaded or discharged and the cargo consists of pipe or other products which could spread or roll to endanger employees, the cargo shall be contained to prevent movement.

(14) Vehicles used to transport employees within a terminal shall be maintained in safe working order and safety devices shall not be removed or made ~~((inoperative))~~ inoperable.

AMENDATORY SECTION (Amending Order 85-09, filed 4/19/85)

✓ WAC 296-56-60081 MULTIPIECE RIM WHEELS. (1) Scope. This section applies to the servicing of vehicle wheels containing tube-type tires mounted on multipiece rims.

(2) Definition. "Multipiece rim" means a vehicle wheel rim consisting of two or more parts, one of which is a (side) locking ring designed to hold the tire on the rim by tension on interlocking components when the tire is inflated, regardless of the relative sizes of the component parts.

(3) Employee training.

(a) The employer shall ensure that only employees trained in the procedures required in subsection (4) of this section who have demonstrated their ability to service multipiece rim wheels shall be assigned such duties.

(b) The employer shall ensure that each employee demonstrates his ability to service multipiece rim wheels, including performance of the following tasks:

(i) Tire demounting (including deflation);

(ii) Inspection of wheel components;

(iii) Mounting of tires;

(iv) Inflation of tires, including use of a restraining device;

(v) Handling of wheels;

(vi) Inflation of tires when a wheel is mounted on the vehicle; and

(vii) Installation and removal of wheels.

(4) Servicing procedures. The employer shall ensure that the following procedures are followed:

(a) Tires shall be completely deflated by removal of the valve core before demounting (~~by removal of the valve core~~);

(b) The valve core shall be removed before the wheel is removed from the axle when:

(i) The tire has been operated underinflated at eighty percent or less of its recommended pressure; or

(ii) There is discernible or suspected damage to the tire or wheel components;

(c) Mating surfaces shall be free of dirt, surface rust, scale and rubber build up before mounting;

(d) Rubber lubricant shall be applied to bead and rim mating surfaces upon wheel assembly and inflation of the tire;

(e) Air pressure shall not exceed 3 psig (0.21 kg/cm²) when seating the locking ring or rounding out the tube when a tire is being partially inflated without a restraining device;

(f) While the tire is pressurized, components shall not be struck or forced to correct the seating of side or lock rings;

(g) There shall not be any contact between an employee or unit of equipment and a restraining device during tire inflation;

(h) After inflation, tires, rims, and rings shall be inspected while within the restraining device to ensure seating and locking. If adjustment is necessary the tire shall first be deflated by valve core removal; and

(i) Before assembly, wheel components shall be inspected, and damaged rim components shall not be re-used.

(5) Charts and manuals.

(a) The employer shall provide a chart containing ~~((as))~~, at a minimum, the instructions and information provided in the United States Department of Transportation, National Highway Traffic Safety Administration (NHTSA) publication "Safety Precautions for Mounting and Demounting Tube-Type Truck/Bus Tires" and "Multipiece Rim Wheel Matching Chart," and pertinent to the type~~((s))~~ of multipiece rim wheels being serviced. The chart shall be available in the terminal's service area.

(b) A current rim manual containing the manufacturer's instructions for mounting, demounting, maintenance and safety precautions relating to the multipiece rim wheels being serviced shall be available in the terminal's service area.

(6) Restraining devices.

(a) Except as otherwise noted, inflation shall be done within a restraining device such as a cage, rack or other device capable of withstanding the maximum force that would be transferred to it during an explosive wheel separation occurring at one hundred fifty percent of maximum tire specification pressure for the wheels being serviced. The restraining device shall be capable of preventing rim components from being thrown outside the frame of the device for any wheel position within the

device. When the wheel assembly is mounted on a vehicle, tires may be inflated without a restraining device only if they have more than eighty percent of the recommended pressure and if remote control inflation equipment is used and employees are clear of the danger area.

(b) Restraining devices shall be kept in good repair and be capable of preventing rim components from being thrown outside the device.

(7) Inflation hoses. Inflation hoses shall have a manual clip-on chuck with sufficient hose to permit an employee to be clear of the danger zone. An in-line, manually operated valve with gauge or a preset pressure regulator shall be used to inflate tires.

(8) Other equipment.

(a) Only tools recommended in the rim manual for the type of wheel being serviced shall be used to service multipiece rim wheels.

(b) Wheel components shall not be interchanged except as provided in the applicable chart or manual.

AMENDATORY SECTION (Amending Order 85-09, filed 4/19/85)

✓WAC 296-56-60083 CRANES AND DERRICKS. (1) ~~((Coverage))~~ Scope.

(a) This section applies to every kind of crane and derrick and to any other type of equipment performing the functions of a crane or derrick except as noted in (b) of this subsection.

(b) This section does not apply to small industrial truck-type cranes, container handling toploaders and sideloaders, chain hoists, and mobile straddle-type cranes incapable of straddling two or more intermodal containers (sixteen feet (4.88 m) in width).

(2) Ratings.

(a) Except for bridge cranes covered by subsection (7) of this section, cranes and derricks having ratings that vary with boom length, radius (outreach) or other variables shall have a durable rating chart visible to the operator, covering the complete range of the manufacturer's (or design) capacity ratings. The rating chart shall include all operating radii (outreach) for all permissible boom lengths and jib lengths as applicable, with and without outriggers, and alternate ratings for optional equipment affecting such ratings. Precautions or warnings specified by the owner or manufacturer shall be included ~~((along with the chart))~~.

(b) The manufacturer's (or design) rated loads for the conditions of use shall not be exceeded.

(c) Designated working loads shall not be increased beyond the manufacturer's ratings or original design limitations unless such increase receives the manufacturer's approval. When the manufacturer's services are not available or where the equipment is of foreign manufacture, engineering design analysis shall be performed or approved by a person accredited for ~~((certificating))~~ certifying the equipment under WAC 296-56-60093. Cranes shall conform with the manufacturer's specifications ~~((and/))~~ or any current ANSI standards that apply. Engineering design analysis shall be performed by a registered professional engineer competent in the field of

cranes and derricks. Any structural changes necessitated by the change in rating shall be carried out.

(3) Radius indicator. When the rated load varies with the boom radius, the crane or derrick shall be fitted with a boom angle or radius indicator visible to the operator.

(4) Prohibited usage.

(a) Equipment shall not be used in a manner that exerts sideloading stresses upon the crane or derrick boom.

(b) No crane or derrick having a visible or known defect that affects safe operation shall be used.

(5) Protective devices.

(a) When exposed moving parts such as gears, chains and chain sprockets present a hazard to employees during crane and derrick operations, those parts shall be securely guarded.

(b) Crane hooks shall be latched or otherwise secured to prevent accidental load disengagement.

(c) When hoisting personnel in an approved man basket, the hook shall have a positive safety latch to prevent rollouts.

(6) General.

(a) Operating controls.

(i) Crane and derrick operating controls shall be clearly marked, or a chart indicating their function shall be posted at the operator's position.

(ii) All crane controls shall operate in a uniform manner within a given port.

(iii) (~~After October 3, 1984,~~) Overhead bridge and container gantry crane operating control levers shall be self-centering so that they will automatically move to the "off" position when the operator releases the control.

(b) Booms. Cranes with elevatable booms and without operable automatic limiting devices shall be provided with boom stops if boom elevation can exceed maximum design angles from the horizontal.

(c) Foot pedals. Foot pedals shall have a nonskid surface.

(d) Access. Ladders, stairways, stanchions, grab irons, foot steps or equivalent means shall be provided as necessary to ensure safe access to footwalks, cab platforms, the cab and any portion of the superstructure which employees must reach.

(i) Footwalks shall be of rigid construction, and shall be capable of supporting a load of one hundred pounds (4.79 kPa) per square foot.

(ii) If more than twenty feet (6.1 m) in height, vertical ladders shall comply with WAC 296-56-60209 (4), (5)(a), (5)(b)(iii) and (5)(b)(iv).

(iii) Stairways on cranes shall be equipped with rigid handrails meeting the requirements of WAC 296-56-60123 (5)(a).

(iv) If the top of a ladder or stairway or any position thereof is located where a moving part of a crane, such as a revolving house, could strike an employee ascending or descending the ladder or stairway, a prominent warning sign shall be posted at the foot of the ladder or stairway. A system of communication (such as a buzzer or bell) shall be established and maintained between the foot of the ladder or stairway and the operator's cab.

(e) Operator's station. The cab, controls, and mechanism of the equipment shall be so arranged that the operator has a clear view of the load or signalman, when

one is used. Cab glass, when used, shall be safety plate glass or equivalent and good visibility shall be maintained through the glass. Clothing, tools and equipment shall be stored so as not to interfere with access, operation, or the operator's view.

(f) Counterweights or ballast. Cranes shall be operated only with the specified type and amount of ballast or counterweights. Ballast or counterweight shall be located and secured only as provided in the manufacturer's or design specifications, which shall be made available upon request.

(g) Outriggers. Outriggers shall be used according to the manufacturer's specifications or design data, which shall be made available upon request. Floats, when used, shall be securely attached to the outriggers. Wood blocks or other support shall be of sufficient size to support the outrigger, free of defects that may affect safety and of sufficient width and length to prevent the crane from shifting or toppling under load.

(h) Exhaust gases. Engine exhaust gases shall be discharged away from the normal position of crane operating personnel.

(i) Electrical equipment shall be so located or enclosed that live parts will not be exposed to accidental contact. Designated persons may work on energized equipment only if necessary during inspection, maintenance, or repair.

(j) Fire extinguisher.

(i) At least one portable fire extinguisher of at least 5-BC rating or equivalent shall be accessible in the cab of the crane or derrick.

(ii) No portable fire extinguisher using carbon tetrachloride or chlorobromomethane extinguishing agents shall be used.

(k) Rope on drums. At least three full turns of rope shall remain on ungrooved drums, and two turns on grooved drums, under all operating conditions. Wire rope shall be secured to drums by clamps, U-bolts, shackles, or equivalent means. Fiber rope fastenings are prohibited.

(l) Assembly or disassembly of boom sections. Mobile crane booms being assembled or disassembled on the ground with or without the support of the boom harness shall be blocked to prevent dropping of the boom or boom sections.

(m) Brakes.

(i) Each independent hoisting unit of a crane shall be equipped with at least one holding brake, applied directly to the motor shaft or gear train.

(ii) Each independent hoisting unit of a crane, except worm geared hoists, the angle of whose worm is such as to prevent the load from accelerating in the lowering direction, shall, in addition to a holding brake, be equipped with a controlled braking means to control lowering speeds.

(iii) Holding brakes for hoist units shall have not less than the following percentage of the rated load hoisting torque at the point where the brake is applied:

(A) One hundred twenty-five percent when used with a controlled braking means.

(B) One hundred percent when used with a mechanically-controlled braking means.

(C) One hundred percent when two holding brakes are provided.

(iv) All power control braking means shall be capable of maintaining safe lowering speeds of rated loads.

(n) Each crane or derrick shall be equipped with sufficient lights to maintain five foot candles in the working area around the load hook. All crane ladders and machinery houses shall be illuminated at a minimum of two candle power.

(o) Light fixtures connected to the boom, gantry legs, or machinery house shall be provided with safety devices which will prevent the light fixture from falling in case of bracket failure.

(p) Electronic devices may be installed to prevent collision subject to approval of the accredited certification agency.

(q) On all rail gantry cranes, truck guards shall extend on the ends of the trucks, close to the top of the rail to prevent worker's feet from being caught between the rail and wheel. This subsection (~~would~~) does not apply if rail sweeps are present.

(r) All hydraulic cylinders used to control crane booms or to provide crane stability (outriggers) shall be equipped with a pilot operated check valve or a device which will prevent the boom or outrigger from retracting in case of failure of a component of the hydraulic system.

(s) Gantry cranes shall be provided with automatic rail clamps or other devices to prevent the crane from moving when not being used or when power is off.

(7) Rail-mounted cranes (excluding locomotive types).

(a) For the purposes of this section, rail-mounted cranes include bridge cranes and portal cranes.

(b) Rated load marking. The rated loads of bridge cranes shall be plainly marked on each side of the crane and in the cab. If there is more than one hoisting unit, each hoist shall have its rated load marked on it or on its load block. Marking shall be legible from the ground level.

(c) Wind-indicating devices.

(i) (~~After October 3, 1983;~~) Each rail-mounted bridge and portal crane located outside of an enclosed structure shall be fitted with an operable wind-indicating device.

(ii) The wind indicating device shall provide a visible or audible warning to alert the operator of high wind conditions. That warning shall be transmitted whenever the following circumstances are present:

(A) When wind velocity reaches the warning speed, not exceeding the crane manufacturer's recommendations; and

(B) When wind velocity reaches the shutdown speed, not exceeding the crane manufacturer's recommendations, at which work is to be stopped and the crane secured.

(iii) Instructions. The employer shall post operating instructions for high wind conditions in the operator's cab of each crane. Operators shall be directed to comply with these instructions. The instructions shall include procedures for responding to high wind alerts and for any coordination necessary with other cranes.

(d) Securing of cranes in high winds.

(i) When the wind reaches the crane's warning speed:

(A) Gantry travel shall be stopped; and

(B) The crane shall be readied for shutdown.

(ii) When the wind reaches the crane's shutdown speed:

(A) Any portion of the crane spanning or partially spanning a vessel shall be moved clear of the vessel if safe to do so; and

(B) The crane shall be secured against travel, using all available means of securing.

(e) The employer shall monitor local weather conditions by subscribing to a weather service or using equally effective means.

(f) Stops and bumpers.

(i) The ends of all tracks shall be equipped with stops or bumpers. If a stop engages the tread of the wheel, it shall be of a height not less than the radius of the wheel.

(ii) When more than one crane operates on the same runway or more than one trolley on the same bridge, each crane or trolley shall be equipped with bumpers or equivalent devices at adjacent ends subject to impact.

(g) Employee exposure to crane movement. When employees may be in the vicinity of the tracks, crane trucks shall be equipped with personnel-deflecting guards.

(h) Pedestrian clearance. If the track area is used for employee passage or for work, a minimum clearance of three feet (0.9 m) shall be provided between trucks or the structures of rail-mounted cranes and any other structure or obstruction. When the required clearance is not available on at least one side of the crane's trucks, the area shall not be used and shall be marked and identified.

(i) Warning devices. Rail-mounted cranes shall be equipped with an effective travel, audible and visible, warning device which shall be used to warn employees who may be in the path of the moving crane.

(j)(~~(i)~~) Communications.

(i) Means of communication shall be provided between the operator's cab and the base of the gantry of all rail-mounted cranes. This requirement may be met by telephone, radio, sound-signaling system or other effective methods, but not solely by hand-signaling.

(ii) All rail-mounted cranes thirty ton and above capacity (~~with~~) shall be equipped with a voice hailing device (PA system(~~s~~)) from the operator to the ground, audible within one hundred feet.

(k) Cranes and crane operations—Scope and application. The sections of this chapter, WAC 296-56-60083 through 296-56-60099, apply to cranes and crane operations.

(l) Signalmen. A signalman shall be required when a crane operator's visibility is obstructed. When a signalman is required to transmit hand signals, he shall be in such a position that the operator can plainly see the signals.

(m) Signals. All operators and signalmen shall use standard signals as illustrated for longshore crane operations. (See (~~Appendix~~) Appendices C and D, at the end of this chapter.)

(n) Signalman for power units. Where power units, such as cranes and winches are utilized and signaling is required, the operator shall ~~((have definite instructions))~~ be instructed as to who is authorized to give signals. The operator shall take signals only from such authorized person. In case of emergency, any worker shall be authorized to give a stop signal.

(i) No draft shall be hoisted unless the winch or crane operator~~((s))~~ can clearly see the draft itself or see the signals of any signalman associated with the operation.

(ii) Loads requiring continuous manual guidance while in motion shall be provided with tag lines.

(o) Landing loads. Persons assisting in landing a load shall face the load and use caution to prevent themselves from getting in a position where they may be caught between the load and a fixed object.

(8) Stabilizing of locomotive cranes. Loads may be hoisted by locomotive cranes only if outriggers are in place, unless means are taken to prevent the load being carried by the truck springs of the crane.

(9) Operations.

(a) Use of cranes together. When two or more cranes hoist a load in unison, a designated person shall direct the operation and instruct personnel in positioning, rigging of the load and movements to be made.

(b) Guarding of swing radius. Accessible areas within the swing radius of the body of a revolving crane shall be physically guarded during operations to prevent an employee from being caught between the body of the crane and any fixed structure or between parts of the crane.

(c) Securing mobile crane components in transit. The crane's superstructure and boom shall be secured against rotation and carried in line with the direction of travel except when negotiating turns with an operator in the cab or when the boom is supported on a dolly. The empty hook or other attachment shall be secured.

(d) Unattended cranes. The following steps shall be taken before leaving a crane unattended between work periods:

(i) Suspended loads, such as those hoisted by lifting magnets or clamshell buckets, shall be landed unless the storage position or maximum hoisting of the suspended device will provide equivalent safety;

(ii) Clutches shall be disengaged;

(iii) The power supply shall be shut off;

(iv) The crane shall be secured against accidental travel; and

(v) The boom shall be lowered or secured against movement.

(e) Operating near electric power lines.

(i) Clearance. Unless electrical distribution and ~~((transmitting))~~ transmission lines are deenergized and visibly grounded at point of work, or unless insulating barriers not a part of or an attachment to the crane have been erected to prevent physical contact with lines, cranes may be operated near power lines only in accordance with following:

(A) For lines rated 50 kV or below, minimum clearance between the lines and any part of the crane or load shall be ten feet (3 m);

(B) For lines rated over 50 kV, minimum clearance between the lines and any part of the crane or load shall

be either 10 feet (3 m) plus 0.4 inch (10 mm) for each 1 kV over 50 kV, or twice the length of the line insulator, but never less than ten feet; and

(C) In transit with no load and boom lowered, the clearance shall be a minimum of four feet (1.2 m).

(ii) Boom guards. Cage-type boom guards, insulating links or proximity warning devices may be used on cranes, but they shall not be used in place of the clearances required by subsection (9)(e)(i) of this section.

(iii) Determination of energized lines. Any overhead line shall be presumed to be energized until the owner of the line indicates that it is not energized.

(10) Protection for employees being hoisted.

(a) No employee shall be hoisted by the load hoisting apparatus of a crane or derrick except:

(i) On intermodal container spreaders, equipped in accordance with this subsection ~~((10) of this section))~~; or

(ii) In a boatswain's chair or other device rigged to prevent it from accidental disengagement from the hook or supporting member; or

(iii) On a platform meeting the following requirements:

(A) Enclosed by a railing or other means providing protection equivalent to that described in WAC 296-56-60123(3). If equipped with open railings, the platform shall be fitted with toe boards;

(B) Having a safety factor of four based on ultimate strength;

(C) Bearing a plate or permanent marking indicating maximum load rating, which shall not be exceeded, and the weight of the platform itself;

(D) ~~((Equipment))~~ Equipped with a device to prevent access doors, when used, from opening accidentally;

(E) Equipped with overhead protection for employees on the platform if they are exposed to falling objects or overhead hazards;

(F) Secured to the load line by means other than wedge and socket attachments, unless the free (bitter) end of the line is secured back to itself by a clamp placed as close above the wedge as possible.

(b) Except in an emergency, the hoisting mechanism of all overhead and container gantry cranes used to hoist personnel shall operate in power up and power down, with automatic brake application when not hoisting or lowering.

(c) Variable radius booms of a crane or derrick used to hoist personnel shall be so constructed or secured as to prevent accidental boom movement.

(d) Platforms or devices used to hoist employees shall be inspected for defects before each day's use and shall be removed from service if defective.

(e) Employees being hoisted shall remain in continuous sight of and communication with the operator or signalman.

(f) Operators shall remain at the controls when employees are hoisted.

(g) Cranes shall not travel while employees are hoisted, except in emergency or in normal tier to tier transfer of employees during container operations.

(h) When intermodal container spreaders are used to transfer employees to or from the tops of containers, the

spreaders shall be equipped with a personnel platform equipped with fixed railings, provided that the railings have one or more openings for access. The openings shall be fitted with a means of closure, such as chains with hooks. Existing railings shall be at least thirty-six inches (0.91 m) in height. New railings installed after October 3, 1983 shall be forty-two inches (1.07 m), plus or minus three inches (7.6 cm), in height. The provisions of (a)(iii)(C), (D), and (F) of this subsection also apply to personnel platforms when ~~((such))~~ container spreaders are used.

(i) Positive safety latch-type hooks or moused hooks shall be used.

(11) Routine inspection.

(a) Designated persons shall visually inspect each crane and derrick on each day of use for defects in functional operating components and shall report any defect found to the employer. The employer shall inform the operator of the findings.

(b) A designated person shall thoroughly inspect all functional components and accessible structural features of each crane or device at monthly intervals.

(c) Any defects found during such inspections which may create a safety hazard shall be corrected before further ~~((equipment))~~ use. Repairs shall be performed only by designated persons.

(d) A record of monthly inspections shall be maintained for six months in or on the crane or derrick or at the terminal.

AMENDATORY SECTION (Amending Order 85-09, filed 4/19/85)

✓ WAC 296-56-60085 CRANE LOAD AND LIMIT DEVICES. (1)~~((a))~~ Except as provided in ~~((a)(viii) of this)~~ subsection (8) of this section, every crane ~~((after October 3, 1984))~~ shall be fitted with a load indicating device or alternative device in proper working condition ~~((which shall meet the following criteria:))~~.

~~((f))~~ The type or model or any load indicating or alternate device which is used shall provide:

~~((A))~~ (a) A direct indication in the cab of actual weight hoisted or a means of determining this by referencing a weight indication to crane ratings posted and visible to the operator ~~((, except that))~~. The use of a dynamometer or simple scale alone ~~((will))~~ shall not meet this requirement; or

~~((B))~~ (b) Indications in the cab according to the radius and load at the moment; or

~~((C))~~ (c) A direct means to prevent an overload from occurring.

~~((f))~~ (2) Accuracy of the devices required by this section shall be such that any indicated load (or limit), including the sum of actual weight hoisted and additional equipment or "add ons" such as slings, sensors, blocks, etc., is within the range from no less than ninety-five percent of the actual true total load (five percent overload) to one hundred ten percent of the actual true total load (ten percent underload). Such accuracy shall be required over the range of the daily operating variables to be expected under the conditions of use.

~~((f))~~ (3) The device shall permit the operator to determine, before making any lift, that the indicating or substitute system is operative. In the alternative, if a device is so mounted or attached to preclude such a determination, it may not be used unless it has been certified by the manufacturer to remain operable within the limits stated in ~~((a)(ii) of this)~~ subsection (2) of this section for a specific period of use. Checks for accuracy, using known values of load, shall be performed at the time of every certification survey (see WAC 296-56-60093) and at such additional times as may be recommended by the manufacturer.

~~((f))~~ (4) When a load indicating device or alternative system is so arranged in the supporting system (crane structure) that its failure could cause the load to be dropped, its strength shall not be the limiting factor of the supporting system (crane structure).

~~((f))~~ (5) Marking shall be conspicuously placed giving: Units of measure in pounds or both pounds and kilograms, capacity of the indicating system, accuracy of the indicating system, and operating instructions and precautions. In the case of systems utilizing indications other than actual weights, the marking shall include data on: The means of measurement, capacity of the system, accuracy of the system, ~~((and))~~ operating instructions and precautions. If the system used provides no read-out, but it is such as to automatically cease crane operation when the rated load limit under any specific condition of use is reached, marking shall be provided giving the make and model of the device installed, a description of what it does, how it is operated, and any necessary precautions regarding the system. All weight indications, other types of loading indications, and other data required shall be readily visible to the operator.

~~((f))~~ (6) All load indicating devices shall be operative over the full operating radius. Overall accuracy shall be based on actual applied load and not on full scale (full capacity) load.

Explanatory note. For example, if accuracy of the load indicating device is based on full scale load and the device is arbitrarily set at plus ~~((f))~~ or minus ten percent, it would accept a reading between ninety thousand and one hundred ten thousand pounds, at full capacity of a machine with one hundred thousand pounds, maximum rating, but would also allow a reading between zero and twenty thousand pounds, at that outreach (radius) at which the rating would be ten thousand pounds ~~((:))~~ capacity—an unacceptable figure. If, however, accuracy is based on actual applied load under the same conditions, the acceptable range would remain the same with the one hundred thousand pound load but becomes a figure between nine thousand and eleven thousand pounds, a much different and acceptable condition, at the ten thousand pound load.

~~((f))~~ (7) When the device uses the radius as a factor in its use or in its operating indications, the indicated radius (which may be in feet and ~~((or))~~ meters, or degrees of boom angle, depending on the system used) shall be a figure which is within the range of a figure no greater than one hundred ten percent of the actual radius to a figure which is no less than ninety-seven percent

of the actual (true) radius. A conversion chart shall be provided whenever it is necessary to convert between degrees of radius and feet or meters.

~~((viii))~~ (8) The load indicating device requirements of this ~~((item))~~ section do not apply to a crane:

~~((A))~~ (a) Of trolley equipped bridge type while handling container known to be and identified as empty, or loaded, and in either case in compliance with the provisions of WAC 296-56-60103, or while hoisting other lifts by means of a lifting beam supplied by the crane manufacturer for the purpose, and in all cases within the crane rating;

~~((B))~~ (b) While handling bulk commodities or cargoes by means of clamshell bucket or magnet;

~~((C))~~ (c) While used to handle or hold hoses in connection with transfer of bulk liquids or other hose handled products; or

~~((D))~~ (d) While the crane is used exclusively to handle cargo or equipment the total actual gross weight of which is known by means of marking of the unit or units hoisted, when such total actual gross weight never exceeds eleven thousand two hundred pounds, and when eleven thousand two hundred pounds, is less than the rated capacity of the crane at the maximum outreach that is possible under the conditions of use at the time.

~~((ix))~~ (9) Limit switches shall be installed on the main line and whip line assemblies which will deactivate the hoisting power when a load reaches the upper limits of travel and at such other places as required by this chapter. Line limit switches shall be tested prior to or at the beginning of each shift to determine if they are functioning properly. Any malfunction shall be reported to the person in charge immediately and shall be repaired at the first reasonable opportunity.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓ WAC 296-56-60087 WINCHES. (1) Moving winch parts which present ~~((caught-in))~~ hazards to employees shall be guarded.

(2) Winches shall have clearly identifiable and readily accessible stop controls.

(3) Portable winches shall be secured against accidental shifting while in use.

(4) Portable winches shall be fitted with limit switches if employees have access to areas from which it is possible to be drawn into the winch.

(5) The provisions of WAC 296-56-60083 (6)(k) ~~((shaft))~~ apply to winches.

AMENDATORY SECTION (Amending Order 85-09, filed 4/19/85)

✓ WAC 296-56-60089 CONVEYORS. (1) Guards.

(a) Danger zones at or adjacent to conveyors shall be guarded to protect employees.

(b) An elevated walkway with guardrail or equivalent means of protection shall be provided where employees cross over moving conveyors ~~((and))~~. Suitable guarding shall be provided when employees pass under moving conveyors.

(2) Moving parts. Conveyor rollers and wheels shall be secured in position.

(3) Positioning. Gravity conveyor sections shall be firmly placed and secured to prevent them from falling.

(4) Braking.

(a) When necessary for safe operation, provisions shall be made for braking objects at the delivery end of the conveyor.

(b) Conveyors using electrically released brakes shall be constructed so that the brakes cannot be released until power is applied, and ~~((that))~~ the brakes are automatically engaged if the power fails or the operating control is returned to the "stop" position.

(5) Stability. Portable conveyors shall be stable within their operating ranges. When used at variable fixed levels, the unit shall be secured at the operating level.

(6) Emergency stop devices. Readily accessible stop controls shall be provided for use in an emergency whenever employees are required to walk or work in the vicinity of the conveyor. The emergency stop device shall be available within easy reach from any position on or adjacent to the conveyor.

(7) Starting powered conveyors. Powered conveyors shall not be started until all employees are clear of the conveyor or have been warned that the conveyor is about to start.

(8) Loading and unloading. The area around conveyor loading and unloading points shall be kept clear of obstructions during conveyor operations.

(9) Lockout/tagout.

(a) Conveyors shall be stopped and their power sources locked out and tagged out during maintenance, repair, and servicing, unless power is necessary for testing.

(b) The starting device shall be locked out and tagged out in the stop position before an attempt is made to remove the cause of a jam or overload of the conveying medium, unless it is necessary to have the power on to remove the jam.

(10) Chutes, gravity conveyors and rollers.

(a) Chutes used in the manual handling of cargo shall be adequate for the use to which they are put and shall be kept free of splinters and sharp edges.

(b) Chutes shall be equipped with sideboards of sufficient height to prevent cargo from falling off.

(c) Chutes and gravity roller sections shall be firmly placed or secured to prevent displacement.

(d) Gravity rollers shall be of sufficient strength for the weight of material which is placed upon them. Rollers shall be locked in position to prevent them from falling or jumping out of the frame.

(e) Frames shall be kept free of burrs and sharp edges.

(f) When necessary, provision shall be made for braking objects at the delivery end of the roller or chute.

(11) Safe practices.

(a) Only designated persons shall operate, repair or service powered conveyors.

(b) The employer shall direct employees to stay off operating conveyors.

(c) Conveyors shall be operated only with all overload devices, guards and safety devices in place and ~~((operable))~~ functional.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓ WAC 296-56-60091 SPOUTS, CHUTES, HOPPERS, BINS, AND ASSOCIATED EQUIPMENT. (1) Standing and running rigging and associated gear used as a permanent part of spouts, chutes or similar devices shall be inspected before each use and shall not be used if it has any functional defects. (See ~~((also))~~ WAC 296-56-60093 ~~((3)(b))~~) for certification requirements.)

(2) Direct communication shall be provided between the discharge or shipboard control end of loading spouts ~~((and))~~ or chutes, and the point in the terminal from which the flow of cargo is controlled.

(3) Chute and hopper openings which present a hazard shall be guarded to prevent employees from falling through ~~((them))~~.

(4) When employees are working on hoppers, the hopper shall be equipped with a safe walkway and safe means of access.

(5) ~~((When necessary for the safety of))~~ Whenever employees are exposed to the hazard of falling objects, chutes shall be equipped with sideboards ~~((to afford protection from falling objects))~~.

(6) Chutes shall be firmly placed and secured to prevent them from falling.

(7) When necessary for the safety of employees, provisions shall be made for braking objects other than bulk commodities at the delivery end of the chute.

(8) Before an employee enters an empty bin:

(a) Personnel controlling the flow of cargo into the bin shall ~~((have been))~~ be notified of the entry; and

(b) The power supply to the equipment carrying the cargo to the bin shall be turned off, locked out and tagged.

(9) Before an employee enters a bin containing a bulk commodity such as coal or sugar ~~((the employer shall ensure that))~~:

(a) Personnel controlling the flow of cargo into the bin ~~((have been))~~ shall be notified of the entry;

(b) The power supply to the equipment carrying the cargo to the bin ~~((is))~~ shall be turned off, locked out and tagged;

(c) The employee entering the bin shall wear ~~((s))~~ a life-line and safety harness; and

(d) A standby attendant equipped to perform a rescue ~~((is))~~ shall be continuously stationed outside the bin until the employee has left the bin.

(10) Bin top openings that present a hazard to employees shall be covered to prevent employees from falling into bins.

(11) Chutes and hoppers shall be repaired only by designated persons.

(12)(a) Before power shoveling operations begin, a designated person shall inspect the equipment to be used. The inspection shall include ~~((at least))~~ the eye bolts, wires, and sheaves.

(b) Power shovels and associated equipment with defects ~~((affecting safe operation))~~ shall not be used.

(c) Before adjustments are made to a power shovel, wire, or associated equipment, the power supply to the

shovel shall be turned off, locked out, ~~((and))~~ tagged, the belt stopped, and the hopper closed.

AMENDATORY SECTION (Amending Order 85-09, filed 4/19/85)

✓ WAC 296-56-60093 CERTIFICATION OF MARINE TERMINAL MATERIAL HANDLING DEVICES. (1) The employer shall not use any material handling device listed in WAC 296-56-60098 ~~((22))~~ (8) until he has ascertained that the device has been ~~((certificated))~~ certified, as evidenced by current and valid documents attesting to compliance with the requirements of WAC 296-56-60097 and 296-56-60098 ~~((21))~~.

(2) Certification surveys are to be completed for the conditions of use found at the time such surveys are ~~((completed, with the understanding that))~~ performed. Equipment owners ~~((r))~~ or users ~~((can))~~ may change the configurations of the equipment according to the manufacturer's specifications without affecting the established certification status for the equipment.

(3) These rules apply to employment within a marine terminal including the loading, unloading, movement, or other handling of cargo, ship's stores, or gear within the terminal or into or out of any land carrier, holding or consolidation area, or any other activity within and associated with the overall operation and functions of the terminal, such as the use and routine maintenance of facilities and equipment.

(4) Inspection and test certificates shall be issued only for that equipment which meets or exceeds the requirements ~~((as))~~ specified in these rules. All inspection and test certificates shall be issued through the office of the assistant director of the division of industrial safety and health, department of labor and industries, and shall be valid for a period not to exceed one year from the date of issuance.

(5) Equipment requiring certification shall be inspected by representatives of the division of industrial safety and health; or individuals who have received a "certificate of competency" from the supervisor of industrial safety and health indicating that they are qualified and capable of performing such work.

(6) When deficiencies are found they shall be noted on forms provided for such purpose by the division of industrial safety and health. Copies shall be delivered to the owner of the equipment and the division of industrial safety and health at the Olympia office by the person conducting such tests ~~((and r))~~ or inspections.

(7) A certificate of unit test ~~((and r))~~ or examination of equipment shall not be issued for any equipment found not to be in compliance with the provisions of this chapter.

(8) Persons desiring a "certificate of competency" shall demonstrate and document their capabilities and qualifications to the assistant director of the division of industrial safety and health, who will issue ~~((such))~~ certificates to those persons ~~((whom he considers qualified))~~ who have demonstrated competency. The assistant director reserves the right to revoke such certificates at any time for cause. A "certificate of competency" shall

be issued for a period of not more than three years. Applications for renewal may be made not more than sixty days prior to the expiration date shown on the certificate.

(9) The assistant director of industrial safety and health or his representative, reserves the right to inspect such equipment or to witness or attend any test or inspection in order to ascertain the adequacy of any certification activity performed.

(10) Unless otherwise exempted, all cranes or derricks required to be certificated by these regulations shall have a current test certificate posted in the operator's cab or station. No person shall ~~((be required to))~~ operate such crane or derrick unless a current valid certificate is posted.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓ WAC 296-56-60095 ADVISORY CRANE CERTIFICATION PANEL. (1) Any person desiring a certificate of competency for crane inspection or certification shall make application to the assistant director for industrial safety and health for the certificate of competency. The application shall include documentation of all qualifications~~((:))~~, including all past experience, education, training and any other factors deemed to be relevant to the application.

(2) The advisory crane certification panel shall assist the assistant director for industrial safety and health in his duties under this chapter. The panel shall consist of six members. Two members shall represent labor, two members shall represent management, and one member shall be a crane expert. The sixth member shall be chairman of the panel~~((:))~~. He shall be the assistant director of industrial safety and health or his designee. The panel shall be responsible for advising the assistant director as to the issuance of any certificate of competency. The panel shall review all applications for certificates of competency. Minutes of meetings shall be kept.

(3) In addition, the panel shall, upon request by the assistant director, render advice concerning any matter which is relevant to crane safety. The panel shall meet twice yearly or more often as deemed necessary by the chairman of the panel. Any panel member who is not an employee of the state of Washington shall serve voluntarily.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓ WAC 296-56-60097 UNIT PROOF LOAD TEST AND INSPECTION. Cranes and derricks shall be proof load tested, rated and ~~((certificated))~~ certified in tons (2,000 lbs. = 1 ton). Cranes and derricks shall be inspected and unit proof load tested prior to being put into use, after any significant modification or repairs of structural parts, or when deemed necessary by the ~~((supervisor))~~ assistant director of industrial safety and health~~((:))~~ or his designee. However, each crane or derrick shall be unit proof load tested at least once during each twelve-month period. Unit proof load tests shall be carried out by the use of weights as a dead load. When

use of weights for unit proof load tests is not possible or reasonable a dynamometer or other recording test equipment may be used. Such equipment shall be tested for accuracy with certified calibrating equipment within twelve months prior to being used and a copy of the certified calibration test shall ~~((have been))~~ be made available to authorized representatives of the division of industrial safety and health upon request.

The weight of the objects used for a dead load weight test shall be certified and a record of the weight shall be made available upon request. Any replacements or repairs deemed necessary by the person conducting a test shall be carried out before application of the required proof load unit test.

(1) The proof load tests for derricks shall be conducted as follows:

Safe Working Load	Proof Load
to 20 tons	25% in excess
20-50 tons	5 tons in excess
over 50 tons	10% in excess of manufacturer's recommended lifting capacity.

Proof load shall be applied at the designed maximum and minimum boom angles or radii, or if this is ~~((impracticable))~~ impractical, as close to these as ~~((practicable))~~ practical. The angles or radii of test shall be stated in the certificate of test. Proof loads shall be swung as far as possible in all directions. The weight of auxiliary handling devices such as spreader bars, robots, clams, magnets, or other gear shall be considered a part of the load. Brakes shall be tested by holding the proof load suspended without other mechanical assistance. After satisfactory completion of a unit proof load test the derrick and all component parts thereof shall be carefully examined and ~~((if necessary,))~~ nondestructive tests may be conducted to assure that the equipment is safe for use and has not been damaged in the unit proof load testing process.

(2) Unit proof load tests for cranes shall be carried out ~~((where applicable))~~ with the boom in the least stable direction relative to the mounting, based on the manufacturer's specifications.

Unit proof load tests for cranes shall be based on the manufacturer's load ratings for the conditions of use and shall, except in the case of bridge type cranes utilizing a trolley, consist of application of a proof load of ten percent in excess of the load ratings at maximum and minimum radius, and at such intermediate radii as the ~~((certificating))~~ certifying authority may deem necessary in the circumstances. (The manufacturer's load ratings are usually based upon percentage of tipping loads under some conditions and upon limitations of structural competence at others, as well as on other criteria such as type of crane mounting, whether or not outriggers are used, etc. Some cranes utilizing a trolley may have only one load rating assigned and applicable at any outreach. It is important that the manufacturer's ratings be used.) Trolley equipped cranes shall be subject to a proof load of twenty-five percent in excess of the manufacturer's

load rating. In cases of foreign manufacture, the manufacturer's specifications shall be subject to approval by the ~~((certificating))~~ certifying authority. The weight of all auxiliary handling devices such as ~~((, but not limited to;))~~ magnets, hooks, slings, and clamshell buckets shall be considered part of the load.

(3) In the event neither manufacturer's data nor design data on safe working loads (including any applicable limitations) are obtainable, the safe working load ratings assigned shall be based on the owner's information and warranty that those so assigned are correct. Unit test certificates shall state the basis for any ~~((such))~~ safe working load assignment.

(4) If the operation in which equipment is engaged never utilizes more than a fraction of the safe working load rating, the owner of ~~((such))~~ the equipment may, at his option, have the crane or derrick ~~((certificated))~~ certified for and operated at a lesser maximum safe working load in keeping with the use and based on radius and other pertinent factors ~~((- PROVIDED, HOWEVER, THAT))~~, however, the equipment concerned ~~((is))~~ shall be physically capable of operation at the original load rating and the load reduction ~~((is))~~ shall not be for the purpose of avoiding correction of any deficiency.

(5) Safe working load ratings shall not be increased beyond the manufacturer's ratings or original design limitations without prior approval by the accredited certification agency. Such prior approval shall be based on the manufacturer's ⁽⁴⁾ approval of such increase or documented engineering design analysis or both. All necessary structural changes shall be completed prior to approval by the accredited certification agency.

AMENDATORY SECTION (Amending Order 85-09, filed 4/19/85)

✓ WAC 296-56-60098 EXAMINATION AND INSPECTION OF CRANES AND DERRICKS. (1) An examination shall be carried out in conjunction with each annual unit proof load test. The accredited person, or his authorized representative, shall make a determination as to correction of deficiencies found. The examination shall ~~((cover))~~ include the following ~~((points as applicable))~~: (Refer to WAC 296-56-60093(8) for definition of accredited person.)

~~((1))~~ (a) All functional operating mechanisms shall be examined for improper function, maladjustment, and excessive component wear, with particular attention to sheaves, pins, and drums. The examinations shall include operation with partial load, in which all functions and movements, including ~~((, where applicable;))~~ maximum possible rotation in both directions, are ~~((performed))~~ checked.

~~((2))~~ (b) All safety devices shall be examined for malfunction.

~~((3))~~ (c) Lines, tanks, valves, drains, pumps, and other parts of air or hydraulic systems shall be examined for deterioration or leakage.

~~((4))~~ (d) Rope reeving shall comply with the manufacturer's recommendations.

~~((5))~~ (e) Deformed, cracked, or excessively corroded members in crane structure and boom shall be repaired or replaced as necessary.

~~((6))~~ (f) Loose bolts, rivets, or other connections shall be corrected.

~~((7))~~ (g) Worn, cracked, or distorted parts affecting safe operation shall be corrected.

~~((8))~~ (h) All brakes, used to control the load, boom or travel of the crane, shall be tested. Air, hydraulic, or electrically operated brakes shall be of such design as to set and stop the load if the source of power fails.

~~((9))~~ (i) Brake and clutch system parts, linings, pawls, and ratchets shall be examined for excessive wear and free operation.

~~((10))~~ (j) Load, boom angle, or other indicators shall be checked over their full range. Defects in such indicators shall be immediately corrected.

~~((11))~~ (k) Where used, clamshell buckets or other similar equipment, such as magnets, ~~((etc;))~~ shall be carefully examined in all respects, with particular attention to closing line wires and sheaves. The accredited person may supplement such examination by requesting any operational tests ~~((as may be))~~ deemed appropriate.

~~((12))~~ (l) Careful examination of the junction areas of removable boom sections, particularly for proper seating, cracks, deformities, or other defects in securing bolts and in the vicinity of such bolts, shall be made.

~~((13))~~ (m) All platforms, steps and footwalks located on cranes where workers are exposed to the hazard of slipping shall be of a nonslip material. Wire rope used for railings on cranes shall be kept taut at all times.

NOTE: In critical areas such as footwalks along booms, a grating material should be used.

~~((14))~~ ~~It shall be ascertained that~~ (n) No counterweights in excess weight of the manufacturer's specifications shall be fitted or used.

~~((15))~~ (o) Such other examination or supplemental functional tests shall be made as may be deemed necessary by the accredited person under the circumstances.

~~((16))~~ (2) Wire rope.

(a) All wire rope shall be inspected at least once a month, dependent upon conditions to which the wire ropes are subjected, and at intervals not exceeding a twelve-month period. Records of inspection of wire rope shall be kept and shall be available to the department of labor and industries representative. Records shall be kept for one year. Refer to the general safety and health standards, WAC ~~((296-24-240))~~ 296-24-24013.

(b) Wire rope shall not be used if in any length of eight diameters, the total number of visible broken wires exceeds ten percent of the total number of wires, or if the rope shows other signs of excessive wear, corrosion, or defect. Particular attention shall be given to the condition of those sections of wire rope adjacent to any terminal connections, those sections exposed to abnormal wear, and those sections not normally exposed for examination.

(c) Documentation ~~((;))~~ available for inspection ~~((;))~~ shall include wire rope test certificates relating to any replacements made since the last unit test or annual examination as required.

(d) Wire rope and replacement wire rope shall be of the same size, same or better grade, and same construction as originally furnished by the equipment manufacturer or contemplated in the design, unless otherwise

recommended by the equipment or wire rope manufacturer due to actual working conditions ~~((requirements))~~. In the absence of specific requirements ~~((as noted))~~, wire rope shall be of a size and construction suitable for the purpose, and shall have the capacity to handle four times the heaviest expected load ~~((and))~~, verified by wire rope test certificate.

(e) Wire rope in use on equipment previously constructed and prior to initial certification of said equipment shall not be required to be tested but shall be subject to thorough examination at the time of initial certification of the equipment.

~~((17))~~ (3)(a) Accessory components ~~((, such as hooks))~~. Container spreader bar twist locks shall be carefully examined periodically and at the time of annual examination and inspection. Cracked or deformed hooks shall be discarded immediately and not re-used ~~((on any equipment subject to the provisions of this chapter))~~.

(b) Crane hooks and container spreader bar twist lock. Magnetic particle or other suitable crack detecting inspection shall be performed at least once each year. When testing by x-ray, the pertinent provisions of the Nuclear Regulatory Commission's standards for protection against radiation, relating to protection against occupational radiation exposure, shall apply.

~~((18))~~ (4) In the event that heat treatment of any loose gear is recommended by the manufacturer, the latest heat treatment certificate ~~((;))~~ attesting to compliance with the manufacturer's specifications shall be part of the available documentation. Heat treatment shall be carried out in accordance with the specifications of the manufacturer by persons competent to perform such work.

~~((19))~~ (5) Replacement parts shall be of equal or better quality than the original equipment and suitable for the purpose. Repairs or modifications shall be such as to render the equipment equal to or better than the original construction or design.

~~((20))~~ (6) In cases of foreign manufactured cranes, there shall be an owner's warranty that the design is adequate for the intended use. The warranty shall be based on a thorough examination of the design specifications by a registered professional engineer familiar with the equipment.

~~((21))~~ (7) The certifications required by this section shall be performed in accordance with WAC 296-56-60093 by persons accredited by the assistant director of industrial safety and health.

~~((22))~~ (8) The marine terminal material handling devices listed below shall be ~~((certificated))~~ certified in the following manner:

(a) Each crane and derrick shall be tested and examined as a unit annually. A copy of the certificate of tests and examinations shall be posted in the crane operator's cab.

(b) Bulk cargo spouts and suckers, together with any portable extensions and rigging or outriggers supporting them vertically, shall be examined annually. Certificates attesting to the required examination shall be made readily available for inspection.

(c) Vertical pocket or bucket conveyors such as banana, sugar, and grain marine legs (other than those within a grain elevator structure) used within a marine terminal facility shall be examined annually. The annual examination shall include all supporting structures, rigging ~~((and))~~, mechanical components and observation of all steps of operations. Certificates attesting to the required examinations shall be readily available for inspection.

(d)(i) House fall cargo-handling gear ~~((in use))~~ shall be proof load tested as a unit upon initial certification and every fourth year thereafter. An examination shall be carried out in conjunction with each unit proof load test and annually thereafter. The unit test shall consist of a proof load of twenty-five percent in excess of the rated safe working load. Examinations shall include all supporting structures and components. Certificates attesting to the required tests and examinations shall be readily available for inspection.

(ii) House fall span beams or other house fall block supports shall be marked with the safe working load, which shall not be exceeded.

(e) Special gear.

(i) Special stevedoring gear provided by the employer, the strength of which depends upon components other than commonly used stock items such as shackles, ropes or chains, shall be tested as a unit in accordance with the following table before initially being put into use.

Safe working load	Proof load
Up to 20 short tons.....	25 percent in excess
Over 20 to 50 short tons.....	5 short tons in excess
Over 50 short tons	10 percent in excess

(ii) Every spreader not a part of ship's gear and used for hoisting intermodal containers shall be tested to a proof load equal to twenty-five percent in excess of its rated capacity. Additionally, any spreader which suffers damage necessitating structural repair shall be retested after repair and before being returned to service.

(iii) Certificates attesting to the required tests shall be available for inspection.

(f) Wire rope and loose gear ~~((obtained after October 3, 1983, and))~~ used for material handling shall ~~((have been))~~ be tested and ~~((certificated))~~ certified before being placed into use in accordance with the provisions of WAC 296-56-60097 ~~((as applicable))~~. Certificates attesting to the required tests, inspections and examinations shall be available.

~~((23))~~ (9) Disassembly and reassembly of equipment does not require recertification of the equipment provided that the equipment is reassembled and used in a manner consistent with its certification.

~~((24))~~ For equipment certificated in accordance with subsection (21)(b) of this section and transferred to a job site in another state, the current certification shall remain valid until the next inspection or examination becomes due. (10) Equipment certified in Washington and transferred to a site in another state does not require recertification in this state upon its return, until the next

inspection or examination becomes due as if it had not been moved. Equipment certified in accordance with similar provisions of another jurisdiction and moved to a site in this state does not require certification upon initial transfer to this state.

~~((25))~~ (11) Certification procedures shall not be construed as a substitute for, or cause for elimination of, normal operational inspection and maintenance routine throughout the year.

~~((26))~~ (12)(a) Every unit of equipment requiring annual certification shall have had such annual certification within the previous twelve months. Equipment requiring annual certification shall have had such annual certification within the previous twelve months, except that no annual certification is required within twelve months after any required certification. Annual examinations for certification may be accomplished up to one month early without effect on subsequent due dates.

(b) When ~~((certificated))~~ certified equipment is out of service for six months or more beyond the due date of a certification inspection, an examination equivalent to an initial certification, including unit proof load test, shall be performed before the equipment re-enters service.

~~((27))~~ (13) Loose gear ~~((obtained after October 3, 1983;))~~ shall bear a legible mark indicating that it has been tested (see WAC 296-56-60097 ~~((22)(f))~~). Single sheave blocks shall be marked with safe working loads and proof test loads. Marks relating to testing shall be identifiable on the related certificates, which shall be available.

~~((28))~~ (14) The certification requirements of this section do not apply to the following equipment:

(a) Industrial trucks and small industrial crane trucks; and

(b) Any straddle truck not capable of straddling two or more intermodal containers sixteen feet (4.88 m) in width.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓ WAC 296-56-60101 GENERAL. The provisions of this ~~((section shall))~~ part apply to specialized terminals ~~((in addition to any other applicable requirements of this part))~~.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓ WAC 296-56-60103 TERMINALS HANDLING INTERMODAL CONTAINERS OR ROLL-ON ROLL-OFF OPERATIONS. (1) Every intermodal container shall be legibly and permanently marked with:

(a) The weight of the container when empty, in pounds;

(b) The maximum cargo weight the container is designed to carry, in pounds; and

(c) The sum of the maximum weight of the container ~~((and the))~~ with cargo, in pounds (Gross Container Capacity).

(2) No container shall be hoisted by any crane or derrick unless the following conditions have been met:

(a) The employer shall ascertain from the carrier whether a container to be hoisted is loaded or empty. Empty containers shall be identified before loading or discharge in such a manner as will inform every supervisor and foreman on the site and in charge of loading or discharging, ~~((or))~~ and every crane or other hoisting equipment operator and signalman, if any, that ~~((such))~~ the container is empty. Methods of identification may include cargo plans, manifests or markings on the container.

(b) In the case of a loaded container:

(i) The actual gross weight shall be plainly marked so as to be visible to the crane ~~((or))~~ operator, other hoisting equipment operator ~~((or))~~, signalman, ~~((or))~~ and to every supervisor and foreman on the site and in charge of the operation; or

(ii) The cargo stowage plan or equivalent permanently recorded display serving the same purpose, containing the actual gross weight and the serial number or other positive identification of that specific container, shall be provided to the crane or other hoisting equipment operator and signalman, if any, and to every supervisor and foreman on the site and in charge of the operation.

(c) Every outbound loaded container which is received at a marine terminal ready to load aboard a vessel without further consolidation or loading shall be weighed to obtain the actual gross weight ~~((either at the terminal or elsewhere;))~~ before being hoisted.

(d)(i) When container weighing scales are located at a marine terminal, any outbound container with a load consolidated at that terminal shall be weighed to obtain an actual weight before being hoisted.

(ii) If the terminal has no scales, the actual gross weight may be calculated on the basis of the container's contents and the container's empty weight. The weights used in the calculation shall be posted conspicuously on the container, with the name of the person making the calculation and the date.

(iii) Container weights shall be subject to random sample weight checks at the nearest weighing facility. In cases where such weight checks or experience otherwise indicate consistently inaccurate weights, the weight of containers so calculated at the source from which the inaccurate weights originated shall no longer be recognized as true gross weights. Such containers shall not be hoisted unless actual gross weights have been obtained by weighing.

(e) Open type vehicle carrying containers and those built specifically and used solely for the carriage of compressed gases are ~~((excepted from))~~ exempted from the requirements of subsection (2)(c) and (d) of this section.

(f) The weight of loaded inbound containers from foreign ports shall be determined by weighing or by the method of calculation described in (d)(ii) of this subsection or by shipping documents.

(g) Any scale used within ~~((the United States))~~ Washington state to weigh containers for the purpose of the requirements of this section shall meet the accuracy standards of the state or local public authority in which the scale is located.

(3) No container (~~or containers~~) shall be hoisted if its actual gross weight exceeds the weight marked as required in subsection (1)(c) of this section, or if it exceeds the capacity of the crane or other hoisting device intended to be used.

(4)(a) Marked or designated areas shall be set aside within a container or roll-on roll-off terminal for passage of employees to and from active cargo transfer points, except where transportation to and from those points is provided by the employer.

(b) The employer shall direct employees to stay clear of the area beneath a suspended container. Employees shall stay clear of the area beneath a suspended container.

(5) Employees working in the immediate area of container handling equipment or in the terminal's traffic lanes shall wear high visibility vests, decals, reflectors or equivalent protection.

(6) Containers shall be handled using lifting fittings or other arrangements suitable and intended for the purposes ~~((as))~~ set forth in (a) ~~((i) through (iii))~~ and (c) of this subsection, except when damage to an intermodal container makes special means of handling necessary.

(a) Loaded intermodal containers of twenty feet (6.1 m) or more in length shall be hoisted as follows:

(i) When hoisting by the top fittings, the lifting forces shall be applied vertically from at least four ~~((such))~~ fittings or by means which will safely ~~((do so))~~ lift the container without damage ~~((to the container, and using))~~. The lifting fittings provided shall be used.

(ii) If hoisted from bottom fittings, the hoisting connections shall bear on the fittings only, making no other contact with the container. The angles of the four bridle legs shall not be less than thirty degrees to the horizontal in the case of forty foot (12.2 m) containers, thirty-seven degrees in the case of thirty foot (9.1 m) containers, ~~((and))~~ or forty-five degrees in the case of twenty foot (6.1 m) containers.

(iii) Lifting containers by fork lift trucks or by grappling arms from above or from one side may be done only if the container is designed for this type of handling.

~~((iv) Other)~~ (b) Means of hoisting other than those required by subsection (2) of this section may be used only if the containers and hoisting means are designed for such use.

~~((b))~~ (c)(i) When using intermodal container spreaders that employ lanyards for activation of load-disengagement, all possible precautions shall be taken to prevent accidental release of the load.

(ii) Intermodal container spreader twistlock systems shall be designed and used so that a suspended load cannot accidentally be released.

~~((c))~~ (7) Flat bed trucks or container chassis used to move intermodal containers shall be equipped with pins, flanges, or other means to prevent the container from shifting.

~~((7))~~ (8)(a) Intermodal containers shall be inspected for defects in structural members or fittings before handling.

(b) Any intermodal container found to be unsafe shall be identified as such, promptly removed from service and repaired before being returned to service.

~~((8))~~ (9) Containers shall not be hoisted unless all engaged chassis twist locks are released.

~~((9))~~ Such list of contents may refer to cartons, cases, or other means of packaging but need not specifically identify the commodity or commodities involved except as otherwise required by law. Container weights so arrived at shall be subject to random sample weight checks at the nearest weighing facility. In cases where such weight checks or experience otherwise indicate consistently inaccurate weights arrived at by this means, the weight of containers so calculated at the source from which the inaccurate weights originated may no longer be recognized as true gross weights, in which case such containers may not be loaded aboard a vessel unless actual gross weights have been obtained by weighing. This procedure shall be continued until the Washington state department of labor and industries, division of industrial safety and health is satisfied by reasonable experience thereunder that correct weights will be furnished.

(10) All loaded inbound containers from foreign ports shall be subject to random sample weight checks at a time satisfactory to the Washington state department of labor and industries, division of industrial safety and health, which may be at any time up to unloading the contents of the container at the terminal or until the container is delivered unopened to the land carrier. When such checks indicate a pattern of significant and continuing inaccuracy or when the provisions of this section are not met, such suitable means as are acceptable to the division of industrial safety and health to protect the safety of the workers involved shall be taken during discharge to assure safety and such means shall be continued until the division of industrial safety and health is satisfied by experience thereunder that correct weights will be furnished.)

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓ WAC 296-56-60107 TERMINAL FACILITIES HANDLING MENHADEN AND SIMILAR SPECIES OF FISH. (1)(a) Tanks in terminal areas used for receiving or storing brailwater for recirculating into vessel holds in discharging operations shall be opened or ventilated to minimize contamination of water circulated to the vessel. Brailwater tanks shall be thoroughly drained upon completion of each day's operations and shall be left open to the air. Drainage is unnecessary when brailwater has been treated to remove hydrogen sulfide-producing contaminants and the efficiency of such treatment has been established ~~((by the employer))~~.

(b) Before employees enter a dock tank, it shall first be drained, rinsed and tested for hydrogen sulfide and oxygen deficiency. Employees shall not enter the tank when the hydrogen sulfide level exceeds twenty ppm or oxygen content is less than nineteen and one-half percent, except in emergencies (see subsection (3) of this section).

(c) Tests shall be conducted by designated personnel with suitable test equipment and respiratory protective

equipment complying with the provisions of this chapter and chapter 296-62 WAC.

(2) Pipelines and hoses on the dock or terminal used for receiving and circulating used ballwater shall be completely drained upon completion of each day's operation and left open to the air.

(3) At least four units of respiratory protective equipment consisting of supplied-air respirators or self-contained breathing apparatus complying with the requirements of chapter 296-62 WAC shall be available in a suitably labeled cabinet for immediate use in case of an emergency caused by oxygen deficiency or hydrogen sulfide. Any employee entering a tank in an emergency shall, in addition to respiratory protective equipment, wear a lifeline and safety harness to facilitate rescue. At least two other employees, similarly equipped, shall be continuously stationed outside the tank to observe and to provide rescue services.

(4) The plant superintendent and foremen shall be trained and knowledgeable about the hazards of hydrogen sulfide and oxygen deficiency. They shall be trained in the use of appropriate respiratory and other protective equipment, and in rescue procedures. Other supervisory plant personnel shall be informed of these hazards and instructed in the necessary safety measures, including use of respiratory and rescue equipment.

(5) Supervisory personnel shall be on hand at dockside to supervise discharging of ballwater from vessels.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓ WAC 296-56-60109 EYE PROTECTION. (1)(a) When employees perform work hazardous to the eyes, the employer shall provide eye protection equipment marked or labeled as meeting the manufacturing specifications of American National Standards Practice for Occupational and Educational Eye and Face Protection, ((current)) ANSI Z87.1((-and shall direct that it be used))-1968. The employer shall direct that eye protection is used.

(b) For employees wearing corrective spectacles, eye protection equipment required by (a) of this subsection ((must)) shall be of a type which can be worn over spectacles. Prescription ground safety lenses may be substituted if they provide equivalent protection.

(c) For additional requirements covering eye protection against radiant energy, see WAC 296-56-60235(8).

(2) Eye protection equipment shall be maintained in good condition.

(3) Used eye protection equipment shall be cleaned and disinfected before reissuance to another employee.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓ WAC 296-56-60110 RESPIRATORY PROTECTION. The respiratory protection requirements of the general occupational health standards, chapter 296-62 WAC, ((staff)) apply.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓ WAC 296-56-60111 HEAD PROTECTION. (1) ((The employer shall direct that)) Employees exposed to impact, falling or flying objects, or electric shocks or burns shall wear protective hats.

(2) Protective hats shall bear identifying marks or labels indicating compliance with the manufacturing provisions of American National Standard Safety Requirements for Industrial Head Protection, ((current)) ANSI Z89.1-1969.

(3) Protective hats previously worn shall be cleaned and disinfected before issuance by the employer to another employee.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓ WAC 296-56-60113 FOOT PROTECTION. (1) The employer shall direct that employees exposed to impact, falling objects, or puncture hazards wear safety shoes, or equivalent protection.

(2) Protective shoes shall bear identifying marks or labels indicating compliance with the manufacturing provisions of American National Standard for Men's Safety Toe Footwear, ((current)) ANSI Z41.1-1983.

(3) The employer shall ((arrange))₂ through means((;)) such as vendors or local stores, ((or otherwise, to)) make safety shoes readily available to all employees.

AMENDATORY SECTION (Amending Order 85-09, filed 4/19/85)

✓ WAC 296-56-60115 OTHER PROTECTIVE MEASURES. (1) Protective clothing.

(a) Employees performing work that requires special protective clothing shall be directed by the employer to wear the necessary special protective clothing.

(b) When necessary, protective clothing previously worn shall be cleaned and disinfected before reissuance.

(2) Personal floatation devices.

(a) The employer shall provide, and shall direct the wearing of personal floatation devices for those employees, such as line handlers, who are engaged in work in which they may ((be pulled)) fall into the water:

(i) When such employees are working in isolation: or

(ii) Where physical limitations of available working space creates a hazard of falling into the water; or

(iii) Where the work area is obstructed by cargo or other obstacles so as to ((prevent)) hinder employees from obtaining safe footing for their work.

(b) Employees working on, over or along water, where the danger of drowning exists, shall be provided with and shall wear approved personal floatation devices.

(i) Employees are not considered exposed to the danger of drowning when:

(A) The water depth is known to be less than chest deep on the exposed individual;

(B) Working behind standard height and strength guardrails;

(C) Working inside operating cabs or stations which eliminate the possibility of ~~((accidentally))~~ accidental falling into the water;

(D) Wearing approved safety belts with lifeline attached so as to preclude the possibility of falling into the water.

(ii) Prior to and after each use, personal floatation devices shall be inspected for defects which would reduce their designed effectiveness. Defective personal floatation devices shall not be used.

(iii) To meet the ~~((approved criteria required by))~~ requirement of (b) of this subsection, a personal floatation device shall be approved by the United States Coast Guard as a Type I PFD, Type II PFD, Type III PFD, or Type V PFD, or ~~((their))~~ equivalent, pursuant to 46 CFR 160 (Coast Guard Lifesaving Equipment Specifications) and 33 CFR 175.23 (Coast Guard table of devices equivalent to personal floatation devices). Ski belt or inflatable type personal floatation devices are specifically prohibited.

(c) Life rings.

(i) Along docks, walkways or other fixed installations on or adjacent to open water more than five feet deep, approved life rings with line attached shall be provided. The life rings shall be spaced at intervals not to exceed two hundred feet and shall be kept in easily visible and readily accessible locations.

(ii) When employees are assigned work at other casual locations where exposure to drowning exists, at least one approved life ring with line attached shall be provided in the immediate vicinity of the work ~~((assigned))~~.

(iii) Work assigned over water where the vertical drop from an accidental fall ~~((would))~~ exceeds fifty feet, ~~((shall be))~~ is subject to specific procedures ~~((as))~~ approved by the department.

(iv) Lines attached to life rings shall be at least ninety feet in length, at least one-quarter inch in diameter and have a minimum breaking strength of five hundred pounds.

(v) Life rings must be United States Coast Guard approved thirty inch size.

(vi) Life rings and attached lines must be maintained to retain at least seventy-five percent of their designed ~~((buoyance))~~ buoyancy and strength.

(3) Emergency facilities. When employees are exposed to hazardous substances which may require emergency bathing, eye washing or other facilities, the employer shall provide such facilities and maintain them in good working order.

AMENDATORY SECTION (Amending Order 85-09, filed 4/19/85)

✓WAC 296-56-60117 MAINTENANCE AND LOAD LIMITS. (1) The structural integrity of docks, piers, wharves, terminals and working surfaces shall be maintained.

(2) Maximum safe load limits, in pounds per square foot (kilograms per square meter), of floors elevated above ground level, and pier structures over the water shall be conspicuously posted in all cargo areas.

EXCEPTION: Pier structures used primarily for vehicle traffic may be posted in maximum pounds per axle weight.

(3) Maximum safe load limits shall not be exceeded.

(4) All walking and working surfaces in the terminal area shall be maintained in good repair.

(5) All steel plates, boards, etc., used to temporarily cover small holes or weakened surfaces shall be secured in such a manner as to prevent ~~((accidental))~~ movement.

(6) All large openings or weakened surfaces shall be barricaded on all exposed sides with barricades equipped with blinkers, flashing lights, or reflectors.

(7) Areas around bitts or cleats where workers perform their duties shall be lighted as required in this section and have a nonslip surface around each bitt or cleat.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓WAC 296-56-60119 PROTECTION FROM FALLING. Employees doing maintenance work on cranes, spouts or similar types of equipment, eight feet ~~((from))~~ or more above the ground or surface and not in an area that is protected by any standard safeguards such as walkways with standard railings, or ladders with protective cages, shall wear a safety belt and lanyard which can be attached to the structure ~~((for their protection from falling))~~.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓WAC 296-56-60121 MINIMUM SAFETY REQUIREMENTS FOR DOCKS AND DOCK FACILITIES. ~~((Nothing contained in))~~ No provision of this section shall be construed to ~~((mean))~~ imply that ~~((the direct))~~ an employer or employees are responsible for ~~((the))~~ repair, construction ~~((of))~~ or otherwise bringing into compliance~~((;))~~ facilities over which they have no control.

(1) Working prohibited on unsafe docks or dock facilities. Employers shall not ~~((require))~~ allow employees to perform work on docks or dock facilities which ~~((said direct))~~ the employer ~~((knows or))~~ should ~~((have known))~~ know do not meet the minimum safety requirements ~~((outlined in))~~ of this section~~((, except for maintenance workers))~~.

(2) Known unsafe conditions by employees. Employees shall not work on docks or dock facilities which they ~~((know or))~~ should ~~((have known))~~ know do not meet the minimum safety requirements ~~((outlined in))~~ of this section.

(3) Bulletin boards. At each dock, pier, warehouse or designated area at the job site, there shall be installed a safety bulletin board.

(4) Posting of notices. It shall be the responsibility of the employer to post at prominent places in or adjacent to the work area, legible notices stating:

(a) The location of stretchers, blankets ~~((and))~~, first-aid equipment and telephones. (Where possible, directional arrows should point to locations.)

(b) The phone numbers of doctors, ambulance services and hospitals within the area and the phone numbers of

the police department or other law enforcement ((agencies)) agency. (Where possible(~~, the emergency phone numbers shall be posted adjacent to telephones which would be used for emergency calls and~~)) these numbers shall also be posted on or inside the cover of first-aid cabinets and kits.)

(5) Ventilation. All areas where employees are required to work shall be ventilated as required by the "general occupational health standards," chapter 296-62 WAC.

(6) Power outlets. Power outlets installed to supply power to vessels shall be located in such a manner that the workers will not (~~be in~~) come into contact with supply lines. Unprotected power lines shall not be driven over by equipment. If located on the underside or water-side of the bull rail, a well lighted walkway with hand rails shall be provided to the power outlets.

NEW SECTION

✓WAC 296-56-60122 ACCESS TO VESSELS. (1) Access to vessels. The employer shall not permit employees to board or leave any vessel, except a barge or river towboat, until the following requirements have been met:

(a) Whenever practical a gangway of not less than twenty inches wide walking surface of adequate strength, maintained and secured shall be used. If a gangway is not practical a substantial straight ladder, extending at least thirty-six inches above the upper landing surface and adequately secured against shifting or slipping shall be provided. When conditions are such that neither a gangway nor a straight ladder can be used, a Jacob's ladder meeting the requirements of subsection (4) of this section may be used.

(b) Each side of such gangway, and the turn table if used, shall have a railing with a minimum height of thirty-three inches measured perpendicularly from rail to walking surface at the stanchion, and a mid rail. Rails shall be of wood, pipe, chain, wire or rope and shall be kept taut at all times.

(c) Gangways on vessels inspected and certified by the United States Coast Guard are deemed to meet the foregoing requirements, except in cases where the vessel's regular gangway is not being used.

(d) The gangway shall be kept properly trimmed at all times.

(e) When a fixed tread accommodation ladder is used, and the angle is low enough to require employees to walk on the edge of the treads, cleated duckboards shall be laid over and secured to the ladder.

(f) When the lower end of a gangway overhangs the water between the ship and the dock in such a manner that there is danger of employees falling between the ship and the dock, a net or other suitable protection shall be rigged at the foot of the gangway in such a manner as to prevent employees from falling from the end of the gangway into the water or into the surface.

(g) If the foot of the gangway is more than one foot away from the edge of the apron, the space between them shall be bridged by a firm walkway equipped with railings, with a minimum height of thirty-three inches with midrails on both sides.

(h) Supporting bridles shall be kept clear so as to permit unobstructed passage for employees using the gangway.

(i) When the upper end of the means of access rests on or flush with the top of the bulwark, substantial steps properly secured and equipped with at least one substantial handrail approximately thirty-three inches in height shall be provided between the top of the bulwark and the deck.

(j) Obstructions shall not be laid on or across the gangway.

(k) The means of access shall be illuminated for its full length.

(l) Unless construction of the vessel makes it impossible, the means of access shall be so located that drafts of cargo do not pass over it. Loads shall not be passed over the means of access while employees are on it.

(2) Access to vessels in drydock or between vessels. Gangways meeting the requirements of subsection (1) (a), (b), (i), (j) and (k) of this section shall be provided for access from wingwall to vessel or, when two or more vessels other than barges or river towboats are lying abreast, from one vessel to another.

(3) Access to barges and river towboats.

(a) Ramps for access of vehicles to or between barges shall be of adequate strength, provided with side boards, well maintained and properly secured.

(b) Unless employees can step safely to or from the wharf, float, barge, or river towboat, a ramp meeting the requirements of subsection (1)(a) of this section shall be provided. When a walkway is impractical, a substantial straight ladder, extending at least thirty-six inches above the upper landing surface and adequately secured against shifting or slipping, shall be provided. When conditions are such that neither a walkway nor a straight ladder can be used, a Jacob's ladder meeting the requirements of subsection (4) of this section may be used.

(c) The means of access shall meet the requirements of subsection (1) (i), (j), and (k) of this section.

(4) Jacob's ladders.

(a) Jacob's ladders shall be of the double rung or flat tread type. They shall be well maintained and properly secured.

(b) A Jacob's ladder shall either hang without slack from its lashings or be pulled up entirely.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓WAC 296-56-60123 GUARDING OF EDGES. (1) Vehicle protection.

(a) Vehicle curbs, bull rails, or other effective barriers at least six inches (13.74 cm) in height and six inches in width, shall be provided at the waterside edges of aprons and bulkheads, except where vehicles are prohibited. Curbs or bull rails installed after ~~((effective date of standard))~~ January 1, 1985, shall be at least ten inches (22.9 cm) in height.

(b) The provisions of (a) of this subsection also apply at the edge of any fixed level above the common floor area from which vehicles may fall, except at loading docks, platforms and skids where cargo is moved by vehicles.

(2) Employee protection.

(a) Guardrails shall be provided at locations where employees are exposed to falls of more than four feet from floor or wall openings or waterside edges, including bridges or gangway-like structures leading to pilings ~~((or)), vessel mooring or berthing installations((, which present a hazard of falling more than four feet (1.22 m) or into the water, except as specified in (b) of this subsection))~~.

(b) Guardrails are not required:

(i) At loading platforms and docks;

(ii) At waterside edges used for cargo mooring line handling;

(iii) On the working sides of work platforms, skids, or similar workplaces which abut the work area; or

(iv) On railroad rolling stock, highway vehicles, intermodal containers, or similar equipment.

(c) Where guardrails are ~~((impracticable))~~ impractical due to machinery requirements or work processes, an alternate means of ~~((protecting employees from falling))~~ fall protection, such as nets, shall be used.

(3) Criteria for guardrails. Guardrails shall meet the following criteria:

(a) They shall be capable of withstanding a force of at least two hundred pounds (890 N) applied in any direction at mid-span of the top rail ~~((when used), or at the uppermost point if there is no top rail))~~.

(b) If not of solid baluster, grillwork, slatted, or similar construction, guardrails shall consist of top rails and midrails. Midrails, when used, shall be positioned at approximately half the height of the top rail.

(c) The top surface of guardrails installed before October 3, 1983, shall be at least thirty-six inches (.091 m) high. Those installed after October 3, 1983, shall be forty-two inches (1.07 m) high, plus or minus two inches (5.1 cm), high.

(d) Any nonrigid railing such as chain or wire rope shall have a maximum sag ~~((limit))~~, at the mid-point between posts, of not more than six inches (15.2 cm).

(e) Top rails shall be free of ~~((puncture and laceration hazards))~~ sharp edges and maintained in good repair.

(f) Rail ends shall not overhang ~~((to constitute a hazard, but))~~. This does not prohibit scrollwork, boxed ends or similar nonhazardous projections.

(4) Toeboards. Toeboards shall be provided when employees below could be exposed to falling objects such as tools. Toeboards shall be at least three and one-half inches (8.9 cm) in height from top edge to floor level, and be capable of withstanding a force of fifty pounds (220 N) applied in any direction. Drainage clearance not in excess of one-eighth inch under toeboards is permitted.

(5) Stair railings. Stair railings shall be capable of withstanding a force of at least two hundred pounds (890 N) applied in any direction, and shall not be more than thirty-six inches (0.9 m) nor less than thirty-two inches (0.8 m) in height from the upper top rail surface to the tread surface in line with the leading edge of the tread. Railings and midrails shall be provided at any stairway having four or more risers, as follows:

(a) For stairways less than forty-four inches (1.12 m) wide, at least one railing; and

(b) For stairways more than forty-four inches (1.12 m) but less than eighty-eight inches (2.24 m) wide, a stair rail or handrail on each side, and if eighty-eight or more inches wide, an additional intermediate handrail.

(6) Condition. Railings shall be maintained free of sharp edges and in good repair.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓ WAC 296-56-60125 CLEARANCE HEIGHTS. Clearance heights shall be prominently posted where the height is insufficient for vehicles ~~((and))~~ or equipment.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓ WAC 296-56-60127 CARGO DOORS. (1) Mechanically operated cargo doors.

(a) Cargo door counterweights shall be guarded.

(b) Lift trucks and cranes shall not be used to move mechanically operated doors except when necessary during repair ~~((on))~~ to the doors ~~((, in which case))~~. Ropes or other guarding shall be provided to prevent entry into ~~((the))~~ any area ~~((where))~~ if the door may fall or slide.

(c) Vertically operated doors partially opened for work or ventilation shall be secured to prevent accidental closing.

(2) Tackle operated cargo doors.

(a) ~~((The))~~ Doors shall be connected to ~~((its))~~ their lifting tackle with shackles or ~~((equally))~~ other secure means.

(b) Lifting bridles and tackles shall have a safety factor of five, based upon maximum anticipated static loading conditions.

(c) Devices shall be provided to hold overhead doors in the open position and to secure them when closed.

(d) Lifting gear and hardware shall be maintained in safe condition.

(e) Lifting ropes ~~((, when used,))~~ shall be placed out of the work area and off the floor.

(3) Horizontal sliding.

(a) Horizontal sliding door rollers shall be constructed to prevent the door from ~~((jumping))~~ disengaging from overhead tracks.

(b) Sliding doors shall be secured to prevent them from swinging.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓ WAC 296-56-60129 PLATFORMS AND SKIDS.

(1) Platforms and skids extending from piers, transit sheds ~~((;))~~ or lofts and used for landing or hooking ~~((on))~~ drafts shall be provided ~~((at the open sides))~~ with guardrails meeting the requirements of WAC 296-56-60123(3) ~~((or))~~ on all open sides. Alternate means, such as nets ~~((, to protect employees against falls))~~ or safety belts and lifelines, may be used if guardrails are impractical.

(2) Any employee working below a second-story platform or skid shall be protected from falling objects ~~((by a net stretched from the platform or skid to the vessel))~~.

(3) Platforms and skids shall be strong enough to bear the loads handled and shall be maintained in safe condition. Safe working loads, which shall be posted or marked on or adjacent to platforms and skids, shall have a minimum safety factor of five for ~~((any))~~ all parts, based upon maximum anticipated static loading conditions and the ultimate strength of the construction material.

(4) The employer shall provide and maintain platform and skid attachments that will prevent accidental movement of the skid or platform.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓WAC 296-56-60131 ELEVATORS AND ESCALATORS. (1) "Elevator" means a permanent hoisting and lowering mechanism with a car or platform moving vertically in guides and serving two or more floors of a structure. The term excludes such devices as conveyors, tiering or piling machines, material hoists, skip or furnace hoists, wharf ramps, lift bridges, car lifts, and dumpers.

(2) "Escalator" means a power-driven continuous moving stairway principally intended for the use of persons.

(3) No elevator or escalator with a defect which adversely affects safety shall be used.

(4) Elevator safety devices shall not be overridden or made inoperable.

(5) Elevators and escalators shall be thoroughly inspected at intervals not exceeding one year. Additional monthly inspections for satisfactory operation shall be conducted by designated persons. Records of the results of the latest annual elevator inspections shall be posted in elevators. Records of annual escalator inspections shall be posted in the vicinity of the escalator or be available at the terminal.

(6) Elevator landing openings shall be provided with doors, gates, or equivalent protection, which shall be in place when the elevator is not at that landing, to prevent employees from falling into the shaft.

(7) The elevator(~~'s~~) or escalator(~~'s~~) maximum load limits shall be posted and shall not be exceeded. Elevator load limits shall be posted conspicuously both inside and outside of the car.

(8) Elevators shall be operated only by designated persons except for automatic or door interlocking elevators which provide full shaft door closing and automatic car leveling.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓WAC 296-56-60133 MANLIFTS. (1) Inspection. Manlifts shall be inspected monthly by a designated person. Safety switches shall be checked weekly. Manlifts found to be unsafe shall not be operated until repaired. Inspections shall include at least the following:

- (a) Step fastenings;
- (b) Rails;
- (c) Rail supports and fastenings;
- (d) Roller and slides;

- (e) Belt and belt tension;
- (f) Handholds and fastenings;
- (g) Floor landings;
- (h) Guardrails;
- (i) Lubrication;
- (j) Safety switches;
- (k) Warning signs and lights;
- (l) Illumination;
- (m) Drive pulley;
- (n) Bottom (boot) pulley and clearance;
- (o) Pulley supports;
- (p) Motor;
- (q) Drive mechanism;
- (r) Brake;
- (s) Electrical switches;
- (t) Vibration and misalignment;
- (u) "Skip" on up or down run when mounting the step (indicating worn gears); and
- (v) Emergency exit ladders.

(2) Inspection records. Inspection records shall be kept for at least one year. The record of the most recent inspection shall be posted in the vicinity of the manlift or in the terminal.

(3) Emergency stop. An emergency stop device shall be available within easy reach from any position on the belt.

(4) Instructions. Manlift use instructions shall be conspicuously posted.

(5) Top floor warning sign and light. An illuminated sign and red light that are visible to the user shall be provided under the top floor opening of the manlift to warn the user to get off at that floor.

(6) Bottom floor warning sign. A sign visible to descending passengers shall be provided to warn them to get off at the bottom floor.

(7) Upper limit stop. An automatic stop device shall be provided to stop the manlift when a loaded step passes the top landing, except that manlifts installed after October 3, 1983, shall have two such devices.

(8) Handholds and steps. Each step shall be provided with a corresponding handhold.

(9) Emergency ladder. A fixed emergency ladder accessible from any position on the lift and ~~((in accordance with))~~ meeting the requirements of WAC 296-56-60209 shall be provided for the entire run of the manlift.

(10) Landings.

(a) Clear and unobstructed landing spaces shall be provided at each level. Manlifts constructed after October 3, 1983, ~~((and))~~ that have a distance of fifty feet (15.24 m) or more between floor landings shall have an emergency landing every twenty-five feet (7.62 m) or less of manlift travel.

(b) Open sides of emergency landings shall be protected by guardrails.

(c) Floor landing entrances and exits shall be guarded by mazes, self-closing gates, or equivalent ~~((devices))~~ protection.

(d) Landings shall be of sufficient size and strength to support two hundred fifty pounds (1120 N).

(11) Floor opening guards. The ascending sides of manlift floor openings shall be provided with cones or bevel guards to direct the user through the openings.

(12) Maintenance. Manlifts shall be equipped, maintained, and used in accordance with the manufacturer's specifications, which shall be available at the terminal.

(13) Bottom pulley.

(a) The lower pulley shall be supported by the lowest landing.

(b) Sides of the bottom pulley support shall be guarded to prevent contact with the pulley or the steps.

(14) Top clearance. A clearance of at least eleven feet (3.3 m) shall be provided between the top landing and the ceiling.

(15) Brakes. Manlifts shall be equipped with brakes that are:

(a) Self-engaging;

(b) Electrically released; and

(c) Capable of stopping and holding the manlift when the descending side is loaded with the maximum rated load.

AMENDATORY SECTION (Amending Order 85-09, filed 4/19/85)

✓ WAC 296-56-60135 MANLIFTS—ELECTRIC. ~~((Reserved:))~~

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓ WAC 296-56-60139 HOISTWAY ENCLOSURES AND LANDINGS. Hoistways shall be fully enclosed, or enclosed on all landings to a height of six feet above the landing floor or six feet above highest working level or stair level adjacent to the hoistway. Perforated hoistway enclosures can be used where fire ~~((resistivity))~~ resistance is not required, provided ~~((it conforms to the following))~~:

(1) Steel wire grill or expanded metal grill shall be at least thirteen U.S. gauge steel wire.

(2) Openings in the enclosure shall reject a one inch steel ball.

(3) All hoistway landings shall be properly and adequately lighted.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓ WAC 296-56-60141 SCOPE AND APPLICATION. ~~((The following requirements shall))~~ WAC 296-56-60141 through 296-56-60171 apply to the installation, design, and use of all one man capacity, electric elevators ~~((:))~~ subject to inspection ~~((s as required by))~~ under RCW ~~((49.16.120))~~ 49.17.120.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓ WAC 296-56-60143 HOISTWAY GATES. (1) Hoistway gates may be constructed of wood slat, steel wire grill, expanded metal or solid material, providing all openings reject a two inch ball and ~~((with))~~ resist a two hundred fifty pound horizontal thrust.

(a) Steel wire and expanded metal gates shall be of at least thirteen gauge steel.

(b) Wood slats must be not less than two inches wide and one-half inch thick, nominal size.

(c) Solid material shall be not less than one-eighth inch reinforced sheet steel or one-half inch plywood.

(2) Hoistway gates ~~((can))~~ may be horizontal swinging, vertical or horizontal sliding or biparting gates.

(a) Hoistway gates shall extend the full width of the elevator car and from one inch above the landing floor to six feet or more above the floor.

(b) Horizontal swinging gates shall be ~~((full stopped))~~ prevented from swinging into hoistway.

(3) Gates shall be equipped with interlocks or mechanical locks and electric contacts designed so that hoistway gates cannot be opened when the car is away from the landing.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓ WAC 296-56-60145 ELEVATOR CAR. (1) Elevator cars ~~((with))~~ shall be fully enclosed to car height ~~((of car))~~ or to a height of not less than six feet six inches whichever is greater. Elevator cars ~~((can))~~ may be of perforated or solid material provided the material will withstand a horizontal thrust of seventy-five pounds without deflecting one-quarter inch and all openings will reject a one inch ball.

(a) Car frames shall be of substantial metal or wood construction with a safety factor of four ~~((on))~~ for metal frames and six ~~((on))~~ for wood frames.

(b) Wood frames shall be gusseted and bolted or otherwise secured with large washers and lock washers.

(c) The car platform ~~((cannot))~~ shall not exceed thirty inches inside dimension on each side (6.25 square foot area).

(2) Every car shall have a substantial protective top. The front half may be hinged. The protective top may be made from number nine U.S. wire gauge screen, eleven gauge ~~((expanded))~~ expanded metal, fourteen gauge sheet steel, or three-quarter inch or heavier plywood. If made of wire screen or metal, the openings shall reject a one-half inch diameter ball.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓ WAC 296-56-60147 ELEVATOR DOORS. Elevator car doors shall be provided on all elevators, except on fully enclosed hoistways equipped with hoistway gates and ~~((hoistways))~~ enclosed from the top of the hoistway opening to the ceiling on the landing side.

(1) Car doors ~~((can))~~ may be of solid or perforated construction and shall be capable of resisting a seventy-five pound thrust without deflecting one-quarter inch.

(2) Car doors may be biparting or otherwise ~~((horizontal))~~ horizontally swung provided the door swings within the elevator car.

(3) A positive locking latch device ~~((shall be provided to))~~ which resists a two hundred fifty pound thrust shall be provided.

(4) Interlocks or mechanical locks and electric contacts must be provided on cars operating in open hoistways.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓WAC 296-56-60151 GUIDE RAILS. A minimum of two car guide rails shall be provided ~~((and))~~. They shall:

(1) Extend at least six inches beyond the maximum travel of the car with buffers compressed.

(2) Be securely fastened to a vertical supporting member for the full length of elevator travel.

(3) Be not less than one and one-half inch by one and one-half inch vertical grain fir or equivalent ~~((or))~~, one-quarter inch by two inch by two inch angle iron or equivalent.

(4) Not vary more than three-sixteenths inch thickness on brake surfaces for wood guide rails.

(5) Be secured to resist more than one-half inch total deflection on car safety application and resist a two hundred fifty pound horizontal thrust.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓WAC 296-56-60153 HOISTING ROPES. Hoisting ropes shall be of good grade elevator traction wire rope and shall:

(1) Be ~~((not less than))~~ at least two ropes of not less than three-eighths inch diameter ~~((and provide))~~ providing a safety factor of five.

(2) Be fastened by at least three U-type cable clamps with the U on the dead return end of the rope or by approved elevator sockets of the babbitted type.

(3) ~~((Hoisting rope shaft))~~ Be of such length that the car platform will not be more than six inches above the top landing when the counterweight buffer is fully compressed ~~((and))~~. The counterweight shall be six inches or more away from the counterbalance sheave when the car buffer is fully compressed.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓WAC 296-56-60155 SPACE UNDER HOISTWAY. There shall be no habitable space below the elevator hoistway and counterweight shaft unless the floor is designed to withstand ~~((and))~~ an impact one hundred twenty-five percent greater than the impact generated by a free fall of either the car or counterweight from the full height of the hoistway.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓WAC 296-56-60157 CAR SAFETIES. All cars suspended or operated from overhead machinery shall be equipped with an approved car safety capable of stopping and holding the car with rated load.

(1) Car safeties shall operate mechanically and be independent of interruption of any electrical circuit.

(2) Car safeties ~~((with))~~ and governor controlled safeties shall automatically operate and the control circuit ~~((with))~~ shall be broken in the event of cable breakage ~~((and on governor controlled safeties))~~.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓WAC 296-56-60159 BRAKES. All elevators shall be equipped with brakes designed to engage mechanically and release electrically.

(1) Brakes shall be located on the final drive of all elevator machines.

(2) The brake actuating circuit ~~((with))~~ shall be so designed that interruption of power by slack cable switch, control switch, and limit switches ~~((with))~~ actuate the brake.

(3) The brakes shall actuate under short circuit, phase failure, or reverse phase conditions.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓WAC 296-56-60161 CAR CONTROLS AND SAFETY DEVICES. (1) Car controls may be automatic pushbutton, constant pressure pushbutton or momentary pushbutton types. Hand rope and car switch controls shall not be used.

(2) Manually operated emergency stop switches shall be installed in all cars not equipped with constant pressure pushbutton controls. The switch shall be clearly marked "emergency stop."

(3) Terminal limiting devices shall operate independently of the car controls and automatically stop the car at the top and bottom terminal landings.

(4) All winding drum machine type elevators shall be equipped with top and bottom final limit switches.

(5) A slack rope device of ~~((the))~~ manual reset design shall be required on all winding drum type machines. The device shall be designed to de-energize the circuit to the drive motor and brake.

(6) All ~~((new))~~ installations shall be equipped with an overspeed governor. This governor shall be set not to exceed one hundred seventy-five feet per minute and shall be designed to de-energize the brake control and motor drive circuits simultaneously with the activation of the car ~~((safeties))~~ safety mechanism. Car speeds for these types of installations shall not exceed a speed of one hundred twenty-five feet per minute.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓WAC 296-56-60167 HOISTING MACHINE MECHANISMS. (1) Elevator machines shall be driven by approved type units.

(a) On direct drive or approved worm gear driven type, a mechanically actuated, electrically released brake shall be installed on the driving unit.

(b) On V belt driven types, a minimum of four belts, one-half inch minimum size, shall be used to transmit power from the motor to the drive shaft and a mechanically actuated, electrically released brake shall be installed on the final drive shaft.

(2) Wherever practical, elevator machines shall be installed on the top side of their supporting structure.

(3) All components of the driving mechanism ~~((or))~~ and parts subject to stress involved in suspending the load or related equipment shall be designed to withstand

eight times the total weight to be suspended, (~~which would include~~) including load, counterweight, car and cables.

(4) Gears shall be made of steel or equivalent material. Cast iron gears are prohibited.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓ WAC 296-56-60169 ELEVATOR CAR AND COUNTERWEIGHT BUFFERS. (1) (~~On new installations;~~) Elevator cars shall be provided with adequate car buffers.

(2) All elevators using a counterweight shall be provided with adequate counterweight buffers.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓ WAC 296-56-60171 GENERAL REQUIREMENTS. (1) Adequate lighting shall be provided at each landing and in the shaftway.

(2) A sign bearing the following information shall be conspicuously posted within the car:

- (a) Maximum capacity one person;
- (b) Total load limit in pounds;
- (c) For authorized personnel use only.

(3) A fire extinguisher in proper working condition shall be (~~attached to~~) available in the car (~~(structure)~~).

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓ WAC 296-56-60180 SCOPE AND APPLICATION. (~~The following requirements shall~~) WAC 296-56-60180 through 296-56-60207 apply to the installation, design, and use of all one man capacity, hand power counterweighted elevators subject to inspection (~~(as required by)~~) under RCW (~~(49.16.120)~~) 49.17.120.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓ WAC 296-56-60183 HOISTWAY LANDINGS.

(1) Every hoistway landing shall be protected on all sides other than the landing opening side with a standard guard rail and intermediate guard rail. All landings except the bottom landing shall have a toe board installed on all sides except the landing opening side.

(2) All hoistway entrances shall be not less than six feet six inches in height and in no case shall the width exceed the corresponding car dimensions.

(3) All hoistway entrances must be provided with an approved maze or with a hoistway gate which shall:

- (a) Be at least thirty-six inches in height.
- (b) Extend downward to within one inch of the landing sill.

(c) Be of the self-closing type, designed to swing horizontally out from the hoistway and closing against a full jam stop.

(d) Be located within four inches of the hoistway edge of the landing sill.

(e) Have a "DANGER" sign conspicuously posted on the landing side of the hoistway gate.

(f) Withstand a two hundred fifty pound horizontal thrust.

(4) (~~For any new installation;~~) All projections extending inwardly from the hoistway enclosure at the entrance side of the car platform shall be bevelled and substantially guarded on the underside by smooth solid material set at an angle of not less than sixty degrees, nor more than seventy-five degrees from the horizontal when cars are not equipped with gates.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓ WAC 296-56-60189 HOISTWAY GUIDE RAILS. (1) There shall be a minimum of two opposing guide rails extending to a point six inches beyond the full height of travel of the car when the counterweight buffer is fully compressed.

(2) All rails shall be (~~(supported)~~) attached by bolts, lag screws or other approved methods to a vertical supporting member which shall not exceed one-half inch deflection with the application of a two hundred fifty pound horizontal thrust at any point.

(3) Wood guide rails shall be at least one and one-half inch by one and one-half inch vertical grain fir or equivalent and shall not vary more than three-sixteenth inch in thickness on the sides (~~(to)~~) which the brakes (~~(make)~~) contact. All joints shall be kept smooth and even.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓ WAC 296-56-60191 BUFFER SPRINGS AND OVERTRAVEL OF CAR. Substantial spring buffers shall be installed below the car and also below the counterweight (~~(on all new installations. All installations shall have spring buffers attached below the counterweight)~~). The hoisting rope shall be of such length that the car platform will not be more than eight inches above the top landing when the counterweight buffer spring is fully compressed.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓ WAC 296-56-60193 CAR SPECIFICATIONS.

(1) The car shall be built to the following specifications:

(a) The car platform shall be not greater than thirty inches on either side (6.25 square feet area).

(b) The car frame and platform shall be of steel or sound seasoned wood construction and be designed with a safety factor (~~(of safety)~~) of not less than four for metal and six for wood, based on a maximum capacity of two hundred fifty pounds.

(c) All frame members shall be securely bolted, riveted or welded and braced. If bolted, lock washers or lock nuts (~~(must)~~) shall be used.

(d) Where wooden frame members are bolted, large washers or metal plates shall be used to minimize the possibility of splitting or cracking the wood.

(2) The sides of the car shall be enclosed by a minimum of two safety guard rails with the top rail not less than thirty-six inches nor more than forty-two inches from the car floor (~~((and with the intermediate bar bisecting the height))~~). Rails shall sustain a horizontal thrust of two hundred fifty pounds. If solid material is used it shall be smooth surfaced and not less than one-half inch thickness, if wood; (~~and~~) not less than sixteen gauge thickness, if steel; and shall be constructed from the car floor to a height of not less than three feet.

(a) Where the hoistway is not enclosed on the entrance side of the car, a self-locking or drop bar (~~(positive stop type car)~~) gate must be provided. The car gate may be of the folding type, horizontally swung, provided it swings into the car enclosure. Drop bar gates must be of two bar construction, parallelogram type, and conform to requirements specified for car guard rails.

(b) The car gate shall drop into locking slots or be provided with a positive locking type latch capable of withstanding two hundred fifty pounds horizontal thrust.

(3) Every car shall have a substantial protective top. The front half may be hinged. The protective top may be made from number nine U.S. wire gauge screen, eleven gauge expanded metal, fourteen gauge sheet steel (~~(or)~~), three-quarter inch or heavier plywood. If made of wire screen or metal, the openings shall reject a one-half inch diameter ball.

(4) Every car shall have a proper rack to hold the balance weights.

(5) A sign bearing the following information shall be conspicuously posted within the car:

(a) Maximum capacity one person;

(b) Total load limit in pounds;

(c) For authorized personnel use only.

(6) Every car shall be equipped with a spring loaded foot brake which:

(a) (~~(With)~~) Operates independently of the car safeties;

(b) (~~(With)~~) Operates in both directions and will stop and hold the car and its load;

(c) (~~(With)~~) Locks the car in its position automatically whenever the operator releases the pressure on the foot pedal.

(7) Every car shall be equipped with a car safety device which (~~(with)~~):

(a) (~~(Apply)~~) Applies to the sides of the main guide rails;

(b) Stops and holds the car and its load immediately when the hoisting rope breaks.

(8) Every car shall have a minimum clearance of six feet six inches from the top of the car platform to the bottom edge of the crosshead or any other obstruction.

(9) A tool box with minimum dimensions of four inches wide by sixteen inches long by three inches in depth shall be provided and firmly attached to the car structure.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓ WAC 296-56-60195 COUNTERWEIGHTS. (1) The assembly of sectional counterweights shall conform to the following requirements:

(a) Rectangular (~~(type)~~) counterweights shall be held together by at least two tie rods one-half inch in diameter fastened with lock washers and double nuts or other approved means.

(b) One three-quarter inch rod may be used to hold the sections of a round counterweight together. Any additional sections or weights shall be secured by an approved means.

(2) The eye bolt for the rope hitch shall be attached to the counterweight in a manner that will prevent the eye bolt from coming loose. The eye of eye bolts shall be welded to prevent (~~(them)~~) it from opening.

(3) Every counterweight runway shall be enclosed with substantial unperforated material for its full distance of travel. Inspection openings shall be provided at either the top or bottom of the counterweight runway. These openings shall be substantially covered at all times except when actually (~~(engaged in)~~) being used for inspection of counterweight fastenings.

(4) Workmen shall load the counterweight for the proper balance of the heaviest person using the elevator and others shall use compensating weights, which shall be available, to maintain a balance (~~(suitable for their needs)~~).

(5) On elevators with travel of seventy-five feet or more, a compensating chain or cable shall be installed to maintain the proper balance of the counterweight to the car and load in all positions.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓ WAC 296-56-60199 HOISTING ROPES. (1) Hoisting rope shall be of good grade traction elevator wire rope, and shall:

(a) Be not less than three-eighths inches in diameter.

(b) Provide a safety factor (~~(of safety)~~) of five based on the maximum weight supported.

(c) Be of (~~(such)~~) sufficient length to prevent the counterweight from striking the overhead structure when car is at bottom (~~(hanging)~~), and prevent the car from striking the overhead before the counterweight is at its lower limit of travel.

(d) Be fastened at each end by at least three or more clamps, with the "U" of the clamp bearing on the dead end of the rope.

(e) Where passed around a metal or other object less than three times the diameter of the cable, have a thimble of the correct size inserted in the eye.

(2) Approved sockets or fittings with the wire properly turned back and babbitted may be used in place of clamps noted in subsection (1)(d) of this section.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓ WAC 296-56-60201 OPERATING ROPE. The operating rope shall be of soft hemp or cotton at least three-quarter inch in diameter (~~(, and)~~). It shall be securely fastened at each end and shall be in proper vertical alignment to prevent bending or cutting where it passes through the openings in the platform or the protective top of the car.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓WAC 296-56-60205 OVERHEAD SUPPORTS. The overhead supporting members shall be designed, based upon impact loads, with a safety factor (~~(of safety)~~) of:

- (1) Nine if wood;
- (2) Five if steel.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓WAC 296-56-60207 GENERAL REQUIREMENTS. (1) No person other than an employee or duly authorized person shall ride or be permitted to ride in the car.

(2) Escape ladders shall be installed (~~(to extend)~~) extending the full length of the hoistway and shall be located in a position (~~(whereby)~~) so that, in an emergency, a person can safely transfer from the car platform to the ladder. An "IMPAIRED CLEARANCE" sign ((to)) shall be posted at the bottom of a ladder((s)) when the face of the ladder is less than thirty inches from any structure.

(3) An automatic safety dog or device (~~(shall be installed at the bottom landing)~~) which will prevent the car from leaving the landing until manually released by the operator shall be installed at the bottom landing.

(4) A fire extinguisher in proper working condition shall be (~~(attached to)~~) available in the car (~~(structure)~~).

AMENDATORY SECTION (Amending Order 85-09, filed 4/19/85)

✓WAC 296-56-60209 FIXED LADDERS. (1) Scope (~~(and applicability)~~). This section applies to all fixed ladders except:

(a) Ladders forming an integral part of railway cars, highway carriers, cargo containers, or other transportation carrier equipment;

(b) Climbing devices such as step bolts or structural members of tanks and towers;

(c) Ladders built into or vertically attached to tubular scaffold framing; and

(d) Ladders used only for fire fighting or emergency purposes are exempt from the provisions of subsection (5) of this section. All other requirements of this section apply.

(2) Definitions.

(a) "Cage" (basket guard) means a barrier enclosing or nearly enclosing a ladder's climbing space and fastened to one or both of the ladder's side rails or to another structure.

(b) "Fixed ladder" means a ladder, including individual rung ladders, permanently attached to a structure, building, or piece of equipment.

(c) "Ladder safety device" means a support system limiting an employee's drop or fall from the ladder, and which may incorporate friction brakes, lifelines and lanyards, or sliding attachments.

(d) "Well" means a permanent complete enclosure around a fixed ladder, which is attached to the walls of the well.

(3) Defects.

(a) Ladders with broken, split, or missing rungs, steps or rails, broken welds or connections, corrosion or wastage, or other defect which may affect safe use shall be removed from service.

(b) Ladder repairs shall provide strength at least equivalent to that of the original ladder.

(4) Ladder specifications.

(a)(i) Ladders installed before October 3, 1983, shall be capable of withstanding without damage a minimum concentrated load, applied uniformly over a three and one-half inch (8.8 cm) width at the rung center, of two hundred pounds (890 N).

(ii) Ladders installed after October 3, 1983, shall be capable of withstanding two hundred fifty pounds (1120 N) applied as described in (a)(i) of this subsection. If used by more than one employee simultaneously, the ladder as a unit shall be capable of simultaneous additional loading in two hundred fifty pound (1120 N) increments for each additional employee, applied to a corresponding number of rungs. The unit shall have a safety factor of four based on ultimate strength, in the designed service.

(b)(i) Ladders installed before October 3, 1983, shall have rungs evenly spaced from nine to sixteen and one-half inches (22.9 to 41.9 cm) apart, center to center.

(ii) Ladders installed after October 3, 1983, shall have rungs evenly spaced (~~(+2)~~) twelve inches apart, plus or minus (~~(2)~~) two inches(;) (30 cm, plus or minus 5 cm) (~~(from)~~), center to center.

(c)(i) Ladders installed before October 3, 1983, shall have a width between side rails of at least ten inches (25.4 cm).

(ii) Ladders installed after October 3, 1983, shall have a width between side rails of at least twelve inches (30.48 cm).

(d) The minimum distance between the rung center line and the nearest permanent object behind the rung shall be four inches (10.2 cm), except that in ladders installed after October 3, 1983, the minimum distance shall be seven inches (17.8 cm) unless physical limitations make a lesser distance, not less than four and one-half inches (11.5 cm), necessary.

(e) When a ladder passes through an opening or past overhead obstructions, a minimum twenty-four inch (.61 m) clearance shall exist between the climbing side and any obstruction. Where this distance is less than thirty inches (0.76 m), a deflection device shall be installed for guidance through the opening.

(f) The side rails of ladders shall extend at least thirty-six inches (0.91 m) above the top landing surface, unless grab bars or equivalent holds are provided.

(g) Ladders whose pitch exceeds ninety degrees to the horizontal (slanting backward on the climbing side) shall not be used.

(5) Protection against falls.

(a) Fixed ladders more than twenty feet (6.1 m) in height shall be provided with a cage, well, or ladder safety device.

(b) When a well or cage is used, ladders with length of climb exceeding thirty feet (9.14 m) shall comply with the following provisions:

(i) The ladder shall consist of multiple sections not exceeding thirty feet (9.14 m) each;

(ii) Each section shall be horizontally offset from adjacent sections, except as specified in (b)(iv) of this subsection; and

(iii) A landing platform capable of supporting a load of one hundred pounds per square foot (4.79 kPa) and fitted with guardrails complying with WAC 296-56-60123(3) shall be provided at least every thirty feet, except as specified in (b)(iv) of this subsection;

(iv) For ladders installed after October 3, 1983, offset sections and landing platforms are not required if hinged platforms capable of supporting one hundred pounds per square foot (4.79 kPa), and which are kept closed except when opened for passage, are within the cage or well at intervals not exceeding thirty feet (9.14 m).

(c) Ladders equipped with ladder safety devices shall have rest platforms:

(i) Capable of supporting a load of one hundred pounds per square foot (4.79 kPa);

(ii) Located at intervals of one hundred fifty feet (46 m) or less; and

(iii) Protected by guardrails complying with WAC 296-56-60123(3) ~~((of))~~ on three sides.

(d) Where used, ladder safety devices shall:

(i) Be installed and maintained in accordance with the manufacturer's instructions, which shall be available for inspection upon request;

(ii) Be repaired only with replacement parts having performance capability at least equal to that of the original parts;

(iii) Have a connection length between carrier centerlines and safety belts of 102 inches (25.45.08 cm); and

(iv) Be installed in a manner that does not reduce the ladder's structural ~~((capability))~~ capacity.

(e) Ladder cages or wells shall:

(i) Be of rigid construction that allows unobstructed use but prevents an employee from falling through or dislodging the cage or well by falling against it;

(ii) Have smooth inner surfaces;

(iii) Extend at least thirty-six inches (0.9 m) above landings; and

(iv) Extend to within eight feet (2.4 m) above the ground or base, except that a maximum of twenty feet (6.1 m) is permitted where the cage or well would extend into traffic lanes.

(f) Ladders installed after ~~((effective date of standard))~~ January 1, 1985, on radio, microwave communications, electrical power and similar towers, poles and structures, including stacks and chimneys, shall meet the requirements of this subsection.

(6) Individual rung ladders. Ladders consisting of individual rungs that are attached to walls, conical man-hole sections or river cells shall:

(a) Be capable of supporting a load of three hundred fifty pounds (1557 N) without deformation;

(b) Form a continuous ladder, uniformly spaced vertically from twelve inches to sixteen inches (30.5 to 41 cm) apart, with a minimum width of ten inches (25.4 cm), and projecting at least four and one-half inches (1 cm) from the wall;

(c) Be so constructed that an employee's foot cannot slide off the ends; and

(d) Be firmly attached and without sharp edges.

AMENDATORY SECTION (Amending Order 85-09, filed 4/19/85)

✓ WAC 296-56-60211 PORTABLE LADDERS. (1) Scope and applicability. This section applies to all portable ladders, including job-made ladders for temporary use, unless otherwise specified.

(2) Standards for existing manufactured portable ladders.

(a) Rungs of manufactured portable ladders obtained before October 3, 1983, shall be capable of supporting a two hundred pound (896 N) load without deformation.

(b) Rungs shall be evenly spaced from nine to sixteen and one-half inches (22.9 to 41.9 cm), center to center.

(c) Rungs shall be continuous members between rails. Each rung of a double-rung ladder (two side rails and a center rail) shall extend the full width of the ladder.

(d) Width between side rails at the base of the ladder shall be at least twelve inches (30 cm) for ladders ten feet (3.05 m) or less in overall length, and shall increase at least one-fourth inch (0.6 cm) for each additional two feet (0.61 m) of ladder length.

(3) Standards for manufactured portable ladders. ~~((Portable))~~ Manufactured portable ladders obtained after October 3, 1983, shall bear identification indicating that they meet the appropriate ladder construction requirements of the following standards:

ANSI A14.1-~~((Current))~~ 1981 Safety Requirements for Portable Wood Ladders

ANSI A14.2-~~((Current))~~ 1982 Safety Requirements for Portable Metal Ladders

ANSI A14.5-~~((Current))~~ 1981 Safety Requirements for Portable Reinforced Plastic Ladders

(4) Standards for job-made portable ladders. Job-made ladders shall:

(a) Have a minimum and uniform distance between rungs of twelve inches (30 cm), center to center;

(b) ~~((Are))~~ Be capable of supporting a two hundred fifty pound (1100 N) load without deformation; and

(c) Have a minimum width between side rails of twelve inches (30 cm) for ladders ten feet (3.05 m) in height. Width between rails shall increase at least one-fourth inch (0.6 cm) for each additional two feet (0.61 m) of ladder length.

(5) Maintenance and inspection.

(a) The employer shall maintain portable ladders in safe condition. Ladders with the following defects shall not be used and either shall be tagged as unusable if kept on the premises or shall be removed from the worksite:

(i) Broken, split or missing rungs, cleats, or steps;

(ii) Broken or split side rails;

(iii) Missing or loose bolts, rivets, or fastenings;

(iv) Defective ropes; or

(v) Any other structural defect.

(b) Ladders shall be inspected for defects prior to each day's use, and after any occurrence, such as a fall, which could damage the ladder.

(6) Ladder usage.

- (a) Ladders made by fastening rungs or devices across a single rail are prohibited.
- (b) Ladders shall not be used:
 - (i) As guys, braces, or skids; or
 - (ii) As platforms, runways, or scaffolds.
- (c) Metal and wire-reinforced ladders with wooden side rails shall not be used when employees on the ladder might come into contact with energized electrical conductors.
- (d) Individual sections from different multisectional ladders or two or more single straight ladders shall not be tied or fastened together to achieve additional length.
- (e) Except for combination ladders, self-supporting ladders shall not be used as single straight ladders.
- (f) Unless intended for cantilever operation, nonself-supporting ladders shall not be used to climb above the top support point.
- (g) Ladders shall extend at least thirty-six inches (0.91 m) above the upper support level if employees are to leave or mount the ladder at that level, except that where such extension is impractical other equivalent means such as grab bars may be used to provide a hand grip.
- (h) Ladders shall be securely positioned on a level and firm base.
- (i) Ladders shall be fitted with slip-resistant bases and secured at top or bottom to prevent the ladder from slipping.
- (j) ~~((The employer shall direct that))~~ Ladders shall be placed so that employees climbing are not exposed to injury from projecting objects or doors that open toward the ladder.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓ WAC 296-56-60215 **FIXED STAIRWAYS.** (1) Definition. "Fixed stairway" means interior ~~((and))~~ or exterior stairs serving machinery, tanks, ~~((and))~~ or equipment, and stairs to or from floors, platforms, or pits. The term does not apply to stairs intended only for fire exit purposes, to articulated stairs (the angle of which changes with the rise and fall of the base support) or to stairs forming an integral part of machinery.

(2) New installations.

(a) Fixed stairs installed after October 3, 1983, shall be positioned within the range of thirty degrees to fifty degrees to the horizontal with uniform riser height and tread width throughout each run and be capable of a minimum loading of one hundred pounds per square foot (448 N) and a minimum concentrated load of three hundred pounds (1344 N) at the center of any treadspan. Riser height shall be from six to seven and one-half inches (15.2 to 19.0 cm), stair width a minimum of twenty-two inches (56 cm) between vertical barriers, and tread depth ~~((a minimum of 12=2 inches (30.48=5.08 cm), and))~~ shall be from 8 to 11 inches (20.3 to 27.8 cm). Tread nosing shall be straight leading edges.

(b) Stair landings shall be at least twenty inches (51 cm) in depth. Where doors or gates open on a stairway, a landing platform shall be provided. Door swing shall

not reduce the effective standing area on the landing to less than eighteen inches (45.7 cm) in depth.

(c) Fixed stairs having four or more risers shall have stair railings or handrails complying with WAC 296-56-60123 (3)~~((a))~~.

(d) The railing height from tread surface at the riser face shall be 33~~((=))~~ plus or minus 3 inches (83~~((=))~~ plus or minus 7.6 cm).

(e) Restricted areas. When physical features require stairs steeper than those provided for by (a) of this subsection, stairs at angles of fifty degrees to seventy-five degrees from the horizontal may be used if they:

(i) Are capable of supporting a single concentrated load of two hundred pounds (890 N) at the tread centers;

(ii) Have open treads at least four inches (10.2 cm) in depth and eighteen inches (45.7 cm) in width with a uniformly spaced vertical rise between treads of six to nine and one-half inches (15.2 to 24.1 cm); and

(iii) Have handrails that meet the requirements of WAC 296-56-60123 (3)~~((a))~~ on both sides ~~((and))~~ that are not less than thirty inches (76.2 cm) in height from the tread surface at the riser face.

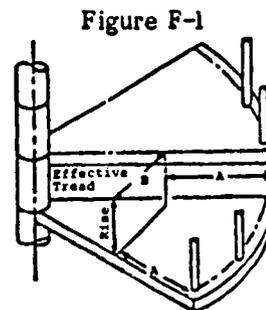
(f) Maintenance. Fixed stairways shall be maintained in safe condition and shall not be obstructed.

AMENDATORY SECTION (Amending Order 85-09, filed 4/19/85)

✓ WAC 296-56-60217 **SPIRAL STAIRWAYS.** (1) Definition. "Spiral stairway" means one with closed circular form, uniform sector-shaped treads and a supporting column.

(2) Requirements. Spiral stairways shall meet the following requirements:

(a) Stairways shall conform to the minimum dimensions of Figure F-1;



Spiral Stairway—Minimum Dimensions

	A (Half-tread width)	B
Normal use by employees ...	11 inches (27.9 cm)	6 inches (15.2 cm)
Limited access ...	9 inches (22.9 cm)	5 inches (12.7 cm)

(b) Stairway risers shall be uniform and shall range from six and one-half to ten and one-half inches (16.5 to 26.7 cm) in height;

(c) Minimum loading capability shall be one hundred pounds per square foot (448 N), and minimum tread center concentrated loading shall be three hundred pounds (1344 N);

(d) Railing shall conform to the requirements of WAC 296-56-60123 (3)(~~(a)~~). If balusters are used, there shall be a minimum of one per tread. Handrails shall be a minimum of one and one-fourth inches (3.3 cm) in outside diameter; and

(e) Vertical clearance shall be at least six feet, six inches (1.98 m) above the top step.

(3) Maintenance. Spiral stairways shall be maintained in safe condition.

AMENDATORY SECTION (Amending Order 85-09, filed 4/19/85)

✓ WAC 296-56-60219 EMPLOYEE EXITS. (1) Employee exits shall be clearly marked.

(2) If an employee exit is not visible from employees' work stations, directional signs indicating routes to the exit shall be posted.

(3) Exits shall be readily accessible and sufficient in number to provide employees with a convenient means of escape in emergencies. A clear passage to the exit shall be maintained.

(4) The minimum width of any employee exit shall be twenty-eight inches (71.1 cm).

(5) All fire exits and aiseways of all docks and warehouses shall be clearly marked and kept clear. All main aiseways shall be wide enough to permit passage of a fire truck.

(6) There shall be a twenty-eight inch clearance maintained where employees use a passageway to an exit.

(7) Every building, structure or crane, new or old, shall be provided with an emergency means of egress to permit the prompt escape of occupants in case of fire or other emergency, at all locations with a vertical height of thirty feet or more. Cranes, buildings, or structures (~~(installed)~~) erected prior to (~~(the effective date of this standard will have until)~~) January 1, 1985, shall comply with the provisions of this standard by July 1, 1986(, to comply).

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓ WAC 296-56-60221 ILLUMINATION. Lighting. All areas shall be (~~(adequately)~~) lighted to meet the requirements of this code.

(1) Active work areas shall be lighted in such a manner that the general area being worked will be illuminated at a minimum intensity of approximately five foot candles measured thirty inches above the dock floor. Supplemental lighting shall be utilized (~~(for conditions)~~) where more than the minimum intensity is necessary for (~~(a)~~) safe operation.

(2) A minimum of three foot candles illumination measured in the manner described above shall be maintained at all points along the bull rail.

(3) The quality of light shall be such that it is reasonably free from glare, and has correct direction, diffusion, and distribution.

(4) Lighting shall not be obstructed by any placement of cargo, structures or other objects which (~~(with)~~) might create a shadow in the work area. Portable lighting shall be provided in (~~(these)~~) those areas that do not meet the minimum requirements of this subsection.

(5) Portable illumination.

(a) All walking and working areas shall be illuminated.

(b) Portable lights shall meet the following requirements:

(i) Portable lights shall be equipped with reflectors and guards to prevent flammable and other material from coming in contact with the bulb, except that guards are not required where the construction of the reflector is such that the bulb is recessed.

(ii) Portable lights shall be equipped with heavy duty electric cords (~~(and)~~). They may be suspended by such cords only when the means of attachment of the cord to the light is such as to prevent the light from being suspended by the electrical connections.

(iii) All connections and insulation shall be maintained.

(~~(iii)~~) (iv) Lighting wires and fixtures for portable lights shall be so arranged as to be free from contact with drafts, running gear, or other moving equipment.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓ WAC 296-56-60223 PASSAGE BETWEEN LEVELS AND ACROSS OPENINGS. (1) General. The employer shall provide safe means of passage between different surface levels and across openings.

(2) Definitions.

(a) "Dockboards (car and bridge plates)" mean devices for spanning short distances between rail cars or highway vehicles and loading platforms which do not expose employees to falls greater than four feet (1.2 m).

(b) "Ramps" means other flat-surface devices for passage between levels and across openings not (~~(covered under)~~) included in "dockboards."

(3) Dockboards (car and bridge plates).

(a) Dockboards shall be strong enough to support the loads imposed on them.

(b) Portable dockboards shall be anchored in position or be equipped with devices to prevent their movement.

(c) Hand holds or other effective means shall be provided on portable dockboards to permit safe handling.

(d) Positive means shall be used to prevent railcars or highway vehicles from being moved while dockboards or bridge plates are in position.

(4) Ramps.

(a) Ramps shall be strong enough to support the loads imposed on them, provided with sideboards, properly secured and well maintained.

(b) Ramps shall be equipped with guardrails meeting the requirements of WAC 296-56-60123 (3)(~~(a)~~) if

the slope is more than twenty degrees to the horizontal or if employees could fall more than four feet (1.2 m).

(c) Ramps shall have slip-resistant surfaces.

(d) When necessary to prevent displacement by vehicle wheels, steel plates or similar devices used to temporarily bridge, or cover uneven surfaces or tracks(;) shall be anchored.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓ WAC 296-56-60229 SANITATION. (1) Washing and toilet facilities.

(a) The employer shall provide accessible washing and toilet facilities sufficient for the sanitary requirements of employees. The facilities shall have:

(i) Running water, including hot, and cold or tepid water ((at a minimum of one accessible location)) (when cargo handling is conducted at locations without permanent facilities, potable water may be provided in lieu of running water);

(ii) Soap;

(iii) Individual hand towels, clean individual sections of continuous toweling or warm air blowers; and

(iv) Fixed or portable toilets in separate compartments with latch-equipped doors.

(b) Separate toilet facilities shall be provided for male and female employees except when toilet rooms ((with be)) are occupied by only one person at a time. A means of locking shall be provided.

((~~(b)~~)) (c) Washing and toilet facilities shall be regularly cleaned and maintained in good order.

(2) Drinking water.

(a) Potable drinking water shall be accessible to employees at all times.

(b) Potable drinking water containers shall be clean, containing only water and ice, and shall be fitted with covers.

(c) Common drinking cups are prohibited.

(3) Prohibited eating areas. Consumption of food or beverages in areas where hazardous materials are being stored or handled shall be prohibited.

(4) Garbage and overboard discharges. Work shall not be conducted in the immediate vicinity of uncovered garbage or in the ((way)) area of overboard discharges from the vessel's sanitary lines unless employees are protected from the garbage or discharge by a baffle or splash boards.

~~((5) Washroom facilities. All docks, warehouses, or similar working areas shall be equipped with clean, ventilated washroom facilities with hot running water provided.~~

~~(6) Toilet and sanitary facilities. All docks, warehouses, or similar working areas shall be provided with proper toilet and sanitary facilities. Such facilities shall be kept in good repair and in a sanitary condition.))~~

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓ WAC 296-56-60231 SIGNS AND MARKING.

(1) General. Signs required by this ((section)) chapter

shall be clearly worded and legible((, and)). They shall contain a key word or legend indicating the reason for the sign.

(a) Key words are such words as danger, warning, caution.

(b) Legends are more specific explanations such as high voltage, close clearance, pedestrian crossing.

(2) Specific. Every marine terminal shall have conspicuously posted signs as follows:

(a) Locations of first-aid facilities;

(b) Locations of telephones;

(c) Telephone numbers of the closest ambulance service, hospital or other source of medical attention, police, fire department, and emergency squad (if any); and

(d) Locations of fire fighting and emergency equipment and fire exits.

AMENDATORY SECTION (Amending Order 85-09, filed 4/19/85)

✓ WAC 296-56-60233 RELATED TERMINAL OPERATIONS AND EQUIPMENT—MACHINE GUARDING. (1) Definition. "Guarded" means shielded, fenced, or enclosed by covers, casings, shields, troughs, spillways or railings, or guarded by position or location. Examples of guarding methods are guarding by location (positioning hazards so they are inaccessible to employees) and point of operation guarding (using barrier guards, two-hand tripping devices, electronic safety devices, or other such devices).

(2) General.

(a) Danger zones on machines and equipment used by employees shall be guarded.

(b) Where chips and dust produced by machine operation may result in a hazard to the operator, the machinery shall be equipped with an effective exhaust system at the point of origin, or other equally effective means shall be provided to protect the operator.

(c) Fixed machinery shall be secured to prevent shifting.

(d) A power cut-off device for machinery and equipment shall be provided at the operator's working position.

(e) Machines driven by belts and shafting shall be fitted with a belt-locking or equivalent protective device if the belt can be shifted.

(f) In operations where injury to the operator might result if motors were to restart after power failures, provisions shall be made to prevent machines from automatically restarting upon restoration of power.

(g) The power supply to machines shall be turned off, locked out, and tagged out during repair, adjustment, or servicing.

(h) Machines shall be maintained in a safe working condition.

(i) Only designated employees shall maintain or repair machinery and equipment.

(j) Machines with defects that affect the safety of operation shall not be used.

(3) Hand-fed circular rip saws and hand-fed circular crosscut table saws. Unless fixed or manually adjustable enclosures or guarding provides equivalent protection,

hand-fed circular rip saws and hand-fed circular cross-cut table saws shall be guarded as follows (~~to keep employees clear of any danger zones~~):

(a) They shall be equipped with hoods completely enclosing those portions of the saw above the table and the material being cut;

(b) They shall have spreaders to prevent material from squeezing the saw. Spreaders shall be in true alignment with the saw. Spreaders may be removed only during grooving, dadoing, or rabbeting operations, and shall be replaced at the completion of such operations; and

(c) They shall have nonkickback fingers or dogs to oppose the tendency of the saw to pick up material or throw material toward the operator.

(4) Swing cutoff saws.

(a) Swing cutoff saws shall have hoods completely enclosing the upper half of the saw, the arbor end and the point of operation at all saw positions to protect the operator from material thrown up by the saw. The hood shall automatically cover the lower portion of the blade(~~(:)~~) so that when the saw returns to the back of the table the hood rises on top of the fence, and when the saw is moved forward the hood drops on top, remaining in contact with the table or the material.

(b) Swing cutoff saws shall have a device to return the saw automatically to the back of the table without rebound. The device shall not be dependent upon rope, cord or springs.

(c) Devices shall be provided to prevent saws from swinging beyond the front or back edges of the table.

(d) Inverted swing cutoff saws shall have hoods covering the part of the saw protruding above the table top or the material being cut. Hoods shall automatically adjust to the thickness of, and remain in contact with, material being cut.

(5) Radial saws. Unless fixed or manually adjustable enclosures or guards provide equivalent protection, radial saws shall be guarded as follows:

(a) The upper hood of radial saws shall enclose the upper portion of the blade up to and including the end of the saw arbor and shall protect the operator from being struck by debris. The sides of the lower exposed portion of the blade shall be guarded to the blade diameter by a device automatically adjusting to the thickness of the stock and remaining in contact with the stock. The lower guard may be removed only when the saw is used for bevel cuts;

(b) Radial saws used for ripping shall have nonkickback fingers or dogs on both sides to oppose the thrust or tendency of the saw to pick up material or throw material toward the operator;

(c) An adjustable stop shall be provided to prevent travel of radial saw blades beyond the table's edge;

(d) Radial saws shall be installed so that the cutting head returns to the starting position without rebound when released; and

(e) The employer shall direct that employees perform ripping and ploughing against the saw turning direction. Rotation direction and an indication of the end of the saw to be used shall be conspicuously marked on the hood.

(6) Band saws and band resaws.

(a) Saw blades and band saw wheels shall be enclosed or guarded, except for the working portion of the blade between the bottom of the guide rolls and the table, to protect employees from point-of-operation hazards and flying debris.

(b) Band saws shall be equipped with brakes to stop the band saw wheel if the blade breaks.

(c) Band saws shall be equipped with a tension control device to keep the blade taut.

(7) Abrasive wheels and machinery.

(a) Abrasive wheels shall be used only on machines having enclosure guards to restrain pieces of grinding wheels and to protect employees if the wheel breaks, except as provided in (b) and (c) of this subsection. Where the operator (~~(must)~~) stands in front of the safety guard opening, the safety guard shall be adjustable or have an adjustable tongue or piece at the top of the opening. The safety guard or the tongue shall be adjusted so that (~~(they are)~~) it is always (~~(close to)~~) within one-fourth inch of the periphery of the wheel. Guards shall be aligned with the wheel and the strength of fastenings shall be greater than the strength of the guard.

(b) When the work provides equivalent protection, or when the machine is designed as a portable saw, guards may be constructed with the spindle end, nut and outer flange exposed. When the work entirely covers the side of the wheel, the side covers of the guard may be removed.

(c) Guarding is not required:

(i) For wheels used for internal work while the wheel is contained within the work being ground; or

(ii) For mounted wheels two inches (5 cm) and smaller in diameter used in portable operations.

(d) Work rests shall be used on fixed grinding machines. Work rests shall be rigidly constructed and adjustable for wheel wear. They shall be adjusted closely to the wheel with a maximum opening of one-eighth inch (3.2 mm) and shall be securely clamped. Adjustment shall not be made while the wheel is in motion.

(e) Grinding wheels shall fit freely on the spindle. The spindle nut shall be tightened only enough to hold the wheel in place.

(f) Grinding machine wheels shall turn at a speed that is compatible with the rated speed of the wheel.

(g) Flanges and blotters shall be used only with wheels designed for their use. Flanges shall be of a type ensuring retention of pieces of the wheel in case of breakage.

(h) Abrasive wheels with operational defects shall not be used.

(8) Rotating parts, drives and connections.

(a) Rotating parts, such as gears and pulleys, that are located seven feet (2.1 m) or less above working surfaces shall be guarded to prevent employee contact with moving parts.

(b) Belt, rope and chain drives shall be guarded to prevent employees from coming into contact with moving parts.

(c) Gears, sprockets and chains shall be guarded to prevent employees coming into contact with moving

parts. This requirement does not apply to manually operated sprockets.

AMENDATORY SECTION (Amending Order 85-09, filed 4/19/85)

✓WAC 296-56-60235 WELDING, CUTTING AND HEATING (HOT WORK). (1) Definition. "Hot work" means riveting, welding, flame cutting or other fire or spark-producing operation.

(2) Hot work in confined spaces. Hot work shall not be performed in a confined space until a designated person has tested the atmosphere and determined that it is not hazardous.

(3) Fire protection.

(a) To the extent possible, hot work shall be performed in designated locations that are free of fire hazards.

(b) When hot work must be performed in a location that is not free of fire hazards, all necessary precautions shall be taken to confine heat, sparks, and slag so that they cannot contact flammable or combustible material.

(c) Fire extinguishing equipment suitable for the location shall be immediately available and shall be maintained in readiness for use at all times.

(d) When the hot work operation is such that normal fire prevention precautions are not sufficient, additional personnel shall be assigned to guard against fire during hot work and for a sufficient time after completion of the work to ensure that no fire hazard remains. The employer shall instruct all employees involved in hot work operations as to potential fire hazards and the use of fire fighting equipment.

(e) Drums and containers which contain or have contained flammable or combustible liquids shall be kept closed. Empty containers shall be removed from the hot work area.

(f) When openings or cracks in flooring cannot be closed, precautions shall be taken to ensure that no employees or flammable or combustible materials (~~on the floor below~~) are exposed to sparks dropping through the floor. Similar precautions shall be taken regarding cracks or holes in walls, open doorways and open or broken windows.

(g) Hot work shall not be performed:

(i) In flammable or potentially flammable atmospheres;

(ii) On or in equipment or tanks that have contained flammable gas or liquid or combustible liquid or dust-producing material, until a designated person has tested the atmosphere inside the equipment or tanks and determined that it is not hazardous; or

(iii) Near any area in which exposed readily ignitable materials such as bulk sulphur, baled paper or cotton are stored. Bulk sulphur is excluded from this prohibition if suitable precautions are followed, the person in charge is knowledgeable and the person performing the work has been instructed in preventing and extinguishing sulphur fires.

(h)(i) Drums, containers or hollow structures that have contained flammable or combustible substances shall either be filled with water or cleaned, and shall

then be ventilated. A designated person shall test the atmosphere and determine that it is not hazardous before hot work is performed on or in such structures.

(ii) Before heat is applied to a drum, container or hollow structure, an opening to release built-up pressure during heat application shall be provided.

(4) Gas welding and cutting.

(a) Compressed gas cylinders:

(i) Shall have valve protection caps in place except when in use, hooked up or secured for movement. Oil shall not be used to lubricate caps;

(ii) Shall be hoisted only while secured, as on a cradle or pallet, and shall not be hoisted by magnet, choker sling or cylinder caps;

(iii) Shall be moved only by tilting or rolling on their bottom edges;

(iv) Shall be secured when moved by vehicle;

(v) Shall be secured while in use;

(vi) Shall have valves closed when cylinders are empty, being moved or stored;

(vii) Shall be secured upright except when hoisted or carried;

(viii) Shall not be freed when frozen by prying the valves or caps with bars or by hitting the valve with a tool;

(ix) Shall not be thawed by boiling water;

(x) Shall not be exposed to sparks, hot slag, or flame;

(xi) Shall not be permitted to become part of electrical circuits or have electrodes struck against them to strike arcs;

(xii) Shall not be used as rollers or supports;

(xiii) Shall not have contents used for purposes not authorized by the supplier;

(xiv) Shall not be used if damaged or defective;

(xv) Shall not have gases mixed within, except by gas suppliers;

(xvi) Shall be stored so that oxygen cylinders are separated from fuel gas cylinders and combustible materials by either a minimum distance of twenty feet (6 m) or a barrier having a fire-resistance rating of thirty minutes; and

(xvii) Shall not have objects that might either damage the safety device or obstruct the valve placed on top of the cylinder when in use.

(b) Use of fuel gas. Fuel gas shall be used only as follows:

(i) Before regulators are connected to cylinder valves, the valves shall be opened slightly (cracked) and closed immediately to clear away dust or dirt. Valves shall not be cracked if gas could reach possible sources of ignition;

(ii) Cylinder valves shall be opened slowly to prevent regulator damage and shall not be opened more than one and one-half turns. Any special wrench required for emergency closing shall be positioned on the valve stem during cylinder use. For manifolded or coupled cylinders, at least one wrench shall be immediately available. Nothing shall be placed on top of a cylinder or associated parts when the cylinder is in use;

(iii) Pressure-reducing regulators shall be attached to cylinder valves when cylinders are supplying torches or devices equipped with shut-off valves;

(iv) Cylinder valves shall be closed and gas released from the regulator or manifold before regulators are removed;

(v) Leaking fuel gas cylinder valves shall be closed and the gland nut tightened. If the leak continues, the cylinder shall be tagged, removed from service, and moved to a location where the leak will not be hazardous. If a regulator attached to a valve stops a leak, the cylinder need not be removed from the workplace but shall be tagged and may not be used again before it is repaired; and

(vi) If a plug or safety device leaks, the cylinder shall be tagged, removed from service, and moved to a location where the leak will not be hazardous.

(c) Hose.

(i) Fuel gas and oxygen hoses shall be easily distinguishable from each other by color or sense of touch. Oxygen and fuel hoses shall not be interchangeable. Hoses having more than one gas passage shall not be used.

(ii) When oxygen and fuel gas hoses are taped together, not more than four of each twelve inches (10.2 cm of each 30.5 cm) shall be taped.

(iii) Hose shall be inspected before use. Hose subjected to flashback or showing evidence of severe wear or damage shall be tested to twice the normal working pressure but not less than two hundred p.s.i. (1378.96 kPa) before re-use. Defective hose shall not be used.

(iv) Hose couplings shall not unlock or disconnect without rotary motion.

(v) Hose connections shall be clamped or securely fastened to withstand twice the normal working pressure but not less than three hundred p.s.i. (2068.44 kPa) without leaking.

(vi) Gas hose storage boxes shall be ventilated.

(d) Torches.

(i) Torch tip openings shall only be cleaned with devices designed for that purpose.

(ii) Torches shall be inspected before each use for leaking shut-off valves, hose couplings and tip connections. Torches shall be inspected before each use for leaking shut-off valves, hose couplings and tip connections. Torches with such defects shall not be used.

(iii) Torches shall not be lighted from matches, cigarette lighters, other flames or hot work.

(e) Pressure regulators. Pressure regulators, including associated gauges, shall be maintained in safe working order.

(f) Operational precaution. Gas welding equipment shall be maintained free of oil and grease.

(5) Arc welding and cutting.

(a) Manual electrode holders.

(i) The employer shall ensure that only manual electrode holders intended for arc welding and cutting and capable of handling the maximum current required for such welding or cutting shall be used.

(ii) Current-carrying parts passing through those portions of the holder gripped by the user and through the outer surfaces of the jaws of the holder shall be insulated against the maximum voltage to ground.

(b) Welding cables and connectors.

(i) Arc welding and cutting cables shall be insulated, flexible and capable of handling the maximum current required by the operation((s)), taking into account the duty cycles.

(ii) Only cable free from repair or splice for ten feet (3 m) from the electrode holder shall be used unless insulated connectors or splices with insulating quality equal to that of the cable are provided.

(iii) When a cable other than the lead mentioned in (b)(ii) of this subsection wears and exposes bare conductors, the portion exposed shall not be used until it is protected by insulation equivalent in performance capacity to the original.

(iv) Insulated connectors of equivalent capacity shall be used for connecting or splicing cable. Cable lugs, where used as connectors, shall provide electrical contact. Exposed metal parts shall be insulated.

(c) Ground returns and machine grounding.

(i) Ground return cables shall have current-carrying capacity equal to or exceeding the total maximum output capacities of the welding or cutting units served.

(ii) Structures or pipelines, other than those containing gases or flammable liquids or conduits containing electrical circuits, may be used in the ground return circuit if their current-carrying capacity equals or exceeds the total maximum output capacities of the welding or cutting units served.

(iii) Structures or pipelines forming a temporary ground return circuit shall have electrical contact at all joints. Arcs, sparks or heat at any point in the circuit shall cause rejection as a ground circuit.

(iv) Structures or pipelines acting continuously as ground return circuits shall have joints bonded and maintained to ensure that no electrolysis or fire hazard exists.

(v) Arc welding and cutting machine frames shall be grounded, either through a third wire in the cable containing the circuit conductor or through a separate wire at the source of the current. Grounding circuits shall have resistance low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current.

(vi) Ground connections shall be mechanically and electrically adequate to carry the current.

(d) When electrode holders are left unattended, electrodes shall be removed and holders placed to prevent employee injury.

(e) Hot electrode holders shall not be dipped in water.

(f) The employer shall ensure that when arc welders or cutters leave or stop work or when machines are moved, the power supply switch ((shall be)) is kept in the off position.

(g) Arc welding or cutting equipment having a functional defect shall not be used.

(h) (i) Arc welding and cutting operations shall be separated from other operations by shields, screens, or curtains to protect employees in the vicinity from the direct rays and sparks of the arc.

(ii) Employees in areas not protected from the arc by screening shall be protected by appropriate filter lenses in accordance with subsection (8) of this section. When welders are exposed to their own arc or to each other's

arc, they shall wear filter lenses complying with the requirements of subsection (8) of this section.

(i) The control apparatus of arc welding machines shall be enclosed, except for operating wheels, levers, and handles.

(j) Input power terminals, top change devices and live metal parts connected to input circuits shall be enclosed and accessible only by means of insulated tools.

(k) When arc welding is performed in wet or high-humidity conditions, employees shall use additional protection, such as rubber pads or boots, against electric shock.

(6) Ventilation and employee protection in welding, cutting and heating.

(a) Mechanical ventilation requirements. The employer shall ensure that general mechanical ventilation or local exhaust systems shall meet the following requirements:

(i) General mechanical ventilation shall maintain vapors, fumes and smoke below a hazardous level;

(ii) Local exhaust ventilation shall consist of movable hoods positioned close to the work and shall be of such capacity and arrangement as to keep breathing zone concentrations below hazardous levels;

(iii) Exhausts from working spaces shall be discharged into the open air, clear of intake air sources;

(iv) Replacement air shall be clean and respirable; and

(v) Oxygen shall not be used for ventilation, cooling or cleaning clothing or work areas.

(b) Hot work in confined spaces. Except as specified in (c) (ii) and (iii) of this subsection, when hot work is performed in a confined space the employer shall, in addition to the requirements of WAC 296-62-145 through 296-62-14529, ensure that:

(i) General mechanical or local exhaust ventilations shall be provided; or

(ii) Employees in the space shall wear supplied air respirators in accordance with WAC 296-62-071 *et seq.* and a standby observer on the outside shall maintain communication with employees inside the space and shall be equipped and prepared to provide emergency aid.

(c) Welding, cutting or heating of toxic metals.

(i) In confined or enclosed spaces, hot work involving the following metals shall only be performed with general mechanical or local exhaust ventilation that ensures that employees are not exposed to hazardous levels of fumes:

(A) Lead base metals;

(B) Cadmium-bearing filler materials; and

(C) Chromium-bearing metals or metals coated with chromium-bearing materials.

(ii) In confined or enclosed spaces, hot work involving the following metals shall only be performed with local exhaust ventilation meeting the requirements of this subsection or by employees wearing supplied air respirators in accordance with chapter 296-62 WAC;

(A) Zinc-bearing base or filler metals or metals coated with zinc-bearing materials;

(B) Metals containing lead other than as an impurity, or coated with lead-bearing materials;

(C) Cadmium-bearing or cadmium-coated base metals; and

(D) Metals coated with mercury-bearing materials.

(iii) Employees performing hot work in confined or enclosed spaces involving beryllium-containing base or filler metals shall be protected by local exhaust ventilation and wear supplied air respirators or self-contained breathing apparatus, in accordance with the requirements of chapter 296-62 WAC.

(iv) The employer shall ensure that employees performing hot work in the open air that involves any of the metals listed in (c) (i) and (ii) of this subsection shall be protected by respirators in accordance with the requirements of chapter 296-62 WAC and those working on beryllium-containing base or filler metals shall be protected by supplied air respirators, in accordance with the requirements of chapter 296-62 WAC.

(v) Any employee exposed to the same atmosphere as the welder or burner shall be protected by the same type of respiratory and other protective equipment as that worn by the welder or burner.

(d) Inert-gas metal-arc welding. Employees shall not engage in and shall not be exposed to the inert-gas metal-arc welding process unless the following precautions are taken:

(i) Chlorinated solvents shall not be used within two hundred feet (61 m) of the exposed arc. Surfaces prepared with chlorinated solvents shall be thoroughly dry before welding is performed on them.

(ii) Employees in areas not protected from the arc by screening shall be protected by appropriate filter lenses in accordance with the requirements of subsection (8) of this section. When welders are exposed to their own arc or to each other's arc, filter lenses complying with the requirements of subsection (8) of this section shall be worn to protect against flashes and radiant energy.

(iii) Employees exposed to radiation shall have their skin covered completely to prevent ultraviolet burns and damage. Helmets and hand shields shall not have leaks, openings or highly reflective surfaces.

(iv) Inert-gas metal-arc welding on stainless steel shall not be performed unless exposed employees are protected either by local exhaust ventilation or by wearing supplied air respirators.

(7) Welding, cutting and heating on preservative coatings.

(a) Before hot work is commenced on surfaces covered by a preservative coating of unknown flammability, a test shall be made by a designated person to determine the coating's flammability. Preservative coatings shall be considered highly flammable when scrapings burn with extreme rapidity.

(b) Appropriate precaution, shall be taken to prevent ignition of highly flammable hardened preservative coatings. Highly flammable coatings shall be stripped from the area to be heated. An uncoiled fire hose with fog nozzle, under pressure, shall be immediately available in the hot work area.

(c) Surfaces covered with preservative coatings shall be stripped for at least four inches (10.2 cm) from the area of heat application or employees shall be protected

by supplied air respirators in accordance with the requirements of chapter 296-62 WAC.

(8) Protection against radiant energy.

(a) Employees shall be protected from radiant energy eye hazards by spectacles, cup goggles, helmets, hand shields or face shields with filter lenses complying with the requirements of this subsection.

(b) Filter lenses shall have an appropriate shade number, as indicated in Table G-1, for the work performed. Variations of one or two shade numbers are permissible to suit individual preferences.

(c) If filter lenses are used in goggles worn under the helmet, the shade numbers of both lenses equals the value shown in Table G-1 for the operation.

Table G-1.—Filter Lenses for Protection Against Radiant Energy

Operation	Shade No.
Soldering	2
Torch Brazing	3 or 4
Light cutting, up to 1 inch	3 or 4
Medium cutting, 1-6 inches	4 or 5
Heavy cutting, over 6 inches	5 or 6
Light gas welding, up to 1/8 inch	4 or 5
Medium gas welding, 1/8-1/2 inch	5 or 6
Heavy gas welding, over 1/2 inch	6 or 8
Shielded Metal-Arc Welding 1/16 to 5/32-inch electrodes	10
Inert gas Metal-Arc Welding (non-ferrous) 1/16 to 5/32-inch electrodes	11
Shielded Metal-Arc Welding: 3/16 to 1/4-inch electrodes	12
5/16 and 3/8-inch electrodes	14

AMENDATORY SECTION (Amending Order 85-09, filed 4/19/85)

WAC 296-56-60237 SPRAY PAINTING. (1) Scope. This section covers painting operations connected with maintenance of structures, equipment and gear at the marine terminal and of transient equipment serviced at the terminal. It does not apply to overall painting of terminal structures under construction, major repair or rebuilding of terminal structures, or portable spraying apparatus not used regularly in the same location.

(2) Definitions.

(a) "Spraying area" means any area where flammable vapors, mists or combustible residues, dusts or deposits may be present due to paint spraying operations.

(b) "Spray booth" means an enclosure containing a flammable or combustible spraying operation and confining and limiting the escape of paint, vapor and residue by means of a powered exhaust system.

(c) "Approved" means, for the purpose of this section, that the equipment has been approved for the specified use by a nationally recognized testing laboratory.

(3) Spray painting requirements for indoor and outdoor spraying areas and booths.

(a) Shut-off valves, containers or piping with attached hoses or flexible connections shall have shut-off valves closed at the connection when not in use.

(b) Pumps used to transfer paint supplies shall have automatic pressure-relieving devices.

(c) Hoses and couplings shall be inspected before use. Hoses showing deterioration, leakage or weakness in the carcass or at the couplings shall be removed from service.

(d)(i) No open flame or spark-producing equipment shall be within twenty feet (6 m) of a spraying area unless it is separated from the spraying area by a fire-retardant partition.

(ii) Hot surfaces shall not be located in spraying areas.

(iii) Whenever combustible residues may accumulate on electrical installations, wiring shall be in rigid conduit or in boxes containing no taps, splices or connections.

(iv) Portable electric lights shall not be used during spraying operations. Lights used during cleaning or repairing operations shall be approved for the location in which they are used.

(e) When flammable or combustible liquids are being transferred between containers, both containers shall be bonded and grounded.

(f)(i) Spraying shall be performed only in designated spray booths or spraying areas.

(ii) Spraying areas shall be kept as free from combustible residue accumulations as ((practicable)) practical.

(iii) Residue scrapings, debris, rags, and waste shall be removed from the spraying area as they accumulate.

(g) Spraying with organic peroxides and other dual-component coatings shall only be conducted in sprinkler-equipped spray booths.

(h) Only the quantity of flammable or combustible liquids required for the operation shall be allowed in the spraying area, and in no case shall the amount exceed a one-day supply.

(i) Smoking shall be prohibited and "No Smoking" signs shall be posted in spraying and paint storage areas.

(4) Additional requirements for spraying areas and spray booths.

(a) Distribution or baffle plates shall be of noncombustible material and shall be removable or accessible for cleaning. They shall not be located in exhaust ducts.

(b) Any discarded filter shall be removed from the work area or placed in water.

(c) Filters shall not be used when the material being sprayed is highly susceptible to spontaneous heating and ignition.

(d) Filters shall be noncombustible or of an approved type. The same filter shall not be used when spraying with different coating materials if the combination of materials may spontaneously ignite.

(e) Spraying areas shall be mechanically ventilated for removal of flammable and combustible vapor and mist.

(f) Mechanical ventilation shall be in operation during spraying operations and long enough thereafter to thoroughly exhaust hazardous vapor concentrations.

(g) Rotating fan elements shall be nonsparking or the casing shall consist of or be lined with nonsparking material.

(h) Piping systems conveying flammable or combustible liquids to the spraying booth or area shall be made of metal and be both electrically bonded and grounded.

(i) Air exhausted from spray operations shall not contaminate makeup air or other ventilation intakes. Exhausted air shall not be recirculated unless it is first cleaned of any hazardous contaminants.

(j) Original closed containers, approved portable tanks, approved safety cans or a piping system shall be used to bring flammable or combustible liquids into spraying areas.

(k) If flammable or combustible liquids are supplied to spray nozzles by positive displacement pumps, the pump discharge line shall have a relief valve discharging either to a pump section or detached location, or the line shall be equipped with a device to stop the prime mover when discharge pressure exceeds the system's safe operating pressure.

(l) Wiring, motors and equipment in a spray booth shall be of approved explosion-proof type for Class I, Group D locations and conform ~~((to))~~ with the requirements of WAC 296-24-956 through 296-24-960 for Class I, Division 1, Hazardous Locations. Wiring, motors and equipment within twenty feet (6 m) of any interior spraying area and not separated by vapor-tight partitions shall not produce sparks during operation and shall conform to the requirements of WAC 296-24-956 through 296-24-960 for Class I, Division 2, Hazardous Locations.

(m) Outside electrical lights within ten feet (3 m) of spraying areas and not separated from the areas by partitions shall be enclosed and protected from damage.

(5) Additional requirements for spray booths.

(a) Spray booths shall be substantially constructed of noncombustible material and have smooth interior surfaces. Spray booth floors shall be covered with noncombustible material. As an aid to cleaning, paper may be used to cover the floor during painting operations if it is removed after the painting is completed.

(b) Spray booths shall be separated from other operations by at least three feet (0.91 m) or by fire-retardant partitions or walls.

(c) A space of at least three feet (0.91 m) on all sides of the spray booth shall be maintained free of storage or combustible materials.

(d) Metal parts of spray booths, exhaust ducts, pipings ~~((and))~~ airless high-pressure spray guns and conductive objects being sprayed shall be grounded.

(e) Electric motors driving exhaust fans shall not be located inside booths or ducts.

(f) Belts shall not enter ducts or booths unless the belts are completely enclosed.

(g) Exhaust ducts shall be made of steel, shall have sufficient access doors to permit cleaning, and shall have a minimum clearance of eighteen inches (0.46 m) from combustible materials. Any installed dampers shall be fully opened when the ventilating system is operating.

(h) Spray booths shall not be alternately used to spray different types of coating materials if the combination of

the materials may spontaneously ignite unless deposits of the first material are removed from the booth and from exhaust ducts before spraying of the second material begins.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓WAC 296-56-60239 COMPRESSED AIR. Employees shall be protected by ~~((chip-guarding))~~ appropriate eye protection and personal protective equipment complying with the ~~((provisions))~~ requirements of ((chapter 296-62 WAC)) WAC 296-56-60019 through 296-56-60115 during cleaning with compressed air. Compressed air used for cleaning shall not exceed a pressure of thirty p.s.i. Compressed air shall not be used to clean employees.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓WAC 296-56-60241 AIR RECEIVERS. (1) Application. This section applies to compressed air receivers and equipment used for operations such as cleaning, drilling, hoisting and chipping. It does not apply to equipment used to convey materials or in ~~((such))~~ transportation applications such as railways, vehicles or cranes.

(2) Gauges and valves.

(a) Air receivers shall be equipped with indicating pressure gauges and spring-loaded safety valves. Safety valves shall prevent receiver pressure from exceeding one hundred ten percent of the maximum allowable working pressure.

(b) No other valves shall be placed between air receivers and their safety valves.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓WAC 296-56-60243 FUEL HANDLING AND STORAGE. (1) Liquid fuel. See ~~((also))~~ WAC 296-24-475 through 296-24-47517.

(a) Only designated persons shall conduct fueling operations.

(b) In case of spillage, filler caps shall be replaced and spillage disposed of before engines are started.

(c) Engines shall be stopped and operators shall not be on the equipment during refueling operations.

(d) Smoking and open flames shall be prohibited in areas used for fueling, fuel storage or enclosed storage of equipment containing fuel.

(e) Equipment shall be refueled only at designated locations.

(f) Liquid fuels not handled by pump shall be handled and transported only in portable containers ~~((or equivalent means))~~ designed for that purpose. Portable containers shall be metal, have tight closures with screw or spring covers and shall be equipped with spouts or other means to allow pouring without spilling. Leaking containers shall not be used.

(g) Flammable liquids ~~((may))~~ shall only be dispensed in the open from a tank or from other vehicles equipped for delivering fuel to another vehicle ~~((only))~~ if:

(i) Dispensing hoses do not exceed fifty feet (15.2 m) in length; and

(ii) Any powered dispensing nozzles (~~used~~) are of the automatic-closing type.

(h) Liquid fuel dispensing devices shall be provided with an easily accessible and clearly identified shut-off device, such as a switch or circuit breaker, to shut off the power in an emergency.

(i) Liquid fuel dispensing devices, such as pumps, shall be mounted either on a concrete island or be otherwise protected against collision damage.

(2) Liquefied gas fuels.

(a) Fueling locations.

(i) Liquefied gas powered equipment shall be fueled only at designated locations.

(ii) Equipment with permanently mounted fuel containers shall be charged outdoors.

(iii) Equipment shall not be fueled or stored near underground entrances, elevator shafts or other places where gas or fumes might accumulate.

(b) Fuel containers.

(i) When removable fuel containers are used, the escape of fuel when containers are exchanged shall be minimized by:

(A) Automatic quick-closing couplings (closing in both directions when uncoupled) in fuel lines; or

(B) Closing fuel container valves and allowing engines to run until residual fuel is exhausted.

(ii) Pressure-relief valve openings shall be in continuous contact with the vapor space (top) of the cylinder.

(iii) Fuel containers shall be secured to prevent their being jarred loose, slipping or rotating.

(iv) Containers shall be located to prevent damage to the container. If located within a compartment, that compartment shall be vented. Containers near the engine or exhaust system shall be shielded against direct heat radiation.

(v) Container installation shall provide the container with at least the vehicle's road clearance under maximum spring deflection, (~~which shall be to~~) measured from the bottom of the container or to the lowest fitting on the container or housing, whichever is lower.

(vi) Valves and connections shall be protected from contact damage. Permanent protection shall be provided for fittings on removable containers.

(vii) Defective containers shall be removed from service.

(c) Fueling operations. See (~~also~~) WAC 296-24-47517.

(i) (~~To the extent applicable,~~) Fueling operations for liquefied gas fuels shall also comply with the requirements of subsection (1) of this section.

(ii) Using matches or flames to check for leaks is prohibited.

(iii) Containers shall be examined before recharging and again before reuse for the following:

(A) Dents, scrapes and gouges of pressure vessels;

(B) Damage to valves and liquid level gauges;

(C) Debris in relief valves;

(D) Leakage at valves or connections; and

(E) Deterioration or loss of flexible seals in filling or servicing connections.

(d) Fuel storage. See (~~also~~) WAC 296-24-47517(6).

(i) Stored fuel containers shall be located to minimize exposure to excessive temperatures and physical damage.

(ii) Containers shall not be stored near exits, stairways or areas normally used or intended for egress.

(iii) Outlet valves of containers in storage or transport shall be closed. Relief valves shall connect with vapor spaces.

(e) Vehicle storage and servicing.

(i) Liquefied gas fueled vehicles may be stored or serviced inside garages or shops only if there are no fuel system leaks.

(ii) Liquefied gas fueled vehicles under repair shall have container shut-off valves closed unless engine operation is necessary for repairs.

(iii) Liquefied gas fueled vehicles shall not be parked near open flames, sources of ignition or unventilated open pits.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓ WAC 296-56-60245 BATTERY CHARGING AND CHANGING. (1) Only designated persons shall change or charge batteries.

(2) Battery charging and changing shall be performed only in areas designated by the employer.

(3) Smoking and other ignition sources are prohibited in charging areas.

(4) Filler caps shall be in place when batteries are being moved.

(5) Parking brakes shall be applied before batteries are charged or changed.

(6) When a jumper battery is connected to a battery in a vehicle, the ground lead shall connect to ground away from the vehicle's battery. Ignition, lights and accessories on the vehicle shall be turned off before connections are made.

(7) Batteries shall be free of corrosion buildup and cap vent holes shall be open.

(8) Adequate ventilation shall be provided during charging.

(9) Facilities for flushing the eyes, body and work area with water shall be provided wherever electrolyte is handled, except (~~that this requirement does not apply~~) when employees are only checking battery electrolyte levels or adding water.

(10) Carboy tilters or siphons shall be used to handle electrolyte in large containers.

(11) Battery handling equipment which could contact battery terminals or cell connectors shall be insulated or otherwise protected.

(12) Metallic objects shall not be placed on uncovered batteries.

(13) When batteries are being charged, the vent caps shall be in place.

(14) (~~Chargers~~) Chargers shall be turned off when leads are being connected or disconnected.

(15) Installed batteries shall be secured to avoid physical or electrical contact with compartment walls or components.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓WAC 296-56-60249 **PETROLEUM DOCKS.** (1) Pipe lines which transport petroleum liquids from or to a wharf shall be equipped with valves on shore, so located as to be readily accessible and not endangered by ((a)) fire on the wharf.

(2) Drip pans, buckets, or other means shall be provided and shall be used to prevent oil spillage upon wharves during loading, disconnecting and draining hoses. After transfer is completed the contents of drip pans and buckets shall be removed and taken to a place of disposal.

(3) Package goods, freight or ship stores shall not be loaded or discharged during the bulk handling of oils or other ((inflammable)) flammable liquids((, in such a manner that the sling loads will endanger the hose)).

(4) Water lights for use at petroleum wharves shall ((not)) be a type which does not create a source of ignition.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓WAC 296-56-60251 **BOAT MARINAS.** (1) All hoisting equipment including derricks, cranes, or other devices used for boat launching, handling cargo, or supplies shall be inspected once a month ((and the)). Records of this inspection shall be made available ((to the marine dock inspector)) upon request.

(2) Floating docks ((with)) are not ((be)) required to have bull rails unless lift trucks or other power driven equipment is used on the dock.

(3) "No smoking" signs shall be posted in areas where fueling or ((inflammable)) flammable material is present.

(4) ((Inflammable)) Flammable material or petroleum products shall be stored in a fireproof storage room or shed.

(5) Slippery surfaces shall be cleaned ((up)) and non-slip material shall be used if necessary.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓WAC 296-56-60253 **CANNERIES AND COLD STORAGE DOCKS.** (1) Hoisting equipment used to load or unload cargo or supplies ((or)) of fishing vessels shall be inspected once a month ((and)) certified in accordance with the requirements of WAC 296-56-60093.

The record of inspection shall be made available ((to the marine dock inspector)) upon request.

(2) Slippery surfaces shall be cleaned ((up)) and non-slip material shall be used if necessary.

AMENDATORY SECTION (Amending Order 74-14, filed 4/22/74)

✓WAC 296-56-99002 **FORM—APPENDIX ((E)) A—STANDARD SIGNALS FOR LONGSHORE CRANE SIGNALS.**

APPENDIX ((e)) A

STANDARD SIGNALS FOR LONGSHORE CRANE SIGNALS



HOIST THE LOAD



LOWER THE LOAD



HOIST THE LOAD SLOWLY



LOWER THE LOAD SLOWLY



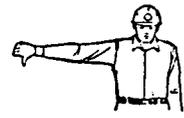
USE MAIN HOOK



USE WHIP HOOK



RAISE THE BOOM



LOWER THE BOOM

AMENDATORY SECTION (Amending Order 74-14, filed 4/22/74)

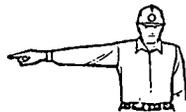
✓ WAC 296-56-99003 FORM—APPENDIX ((D)) B—STANDARD SIGNALS FOR LONGSHORE CRANE SIGNALS.

APPENDIX ((D)) B

STANDARD SIGNALS FOR LONGSHORE CRANE SIGNALS



STOP



SWING LOAD IN DIRECTION FINGER POINTS



FOR MOBILE CRANES
LOWER THE LOAD AND RAISE THE BOOM



FOR MOBILE CRANES
HOIST THE LOAD AND LOWER THE BOOM



FOR MOBILE CRANES
LOCK THE CRAWLER BELT ON SIDE INDICATED BY RAISED FIST TRAVEL OTHER CRAWLER BELT IN DIRECTION INDICATED BY REVOLVING FIST



FOR MOBILE CRANES
TRAVEL BOTH CRAWLER BELTS IN DIRECTION INDICATED BY REVOLVING FISTS

REPEALER

The following sections of the Washington Administrative Code are repealed:

- ✓ WAC 296-56-990 FORM—APPENDIX A—CERTIFICATE OF COMPETENCY.
- ✓ WAC 296-56-99001 FORM—APPENDIX B—NOTICE OF DEFICIENCIES FOUND ON CERTIFICATION EXAMINATION.
- ✓ WAC 296-56-99004 FORM—APPENDIX E—CERTIFICATE OF UNIT TEST AND/OR EXAMINATION OF CRANE, DERRICK, OR OTHER MATERIAL HANDLING DEVICE.

✓ WAC 296-56-99005 FORM—APPENDIX F—STANDARD PROCEDURE—TESTING AND EXAMINATION CRANES, DERRICKS, OR MATERIAL HANDLING DEVICES LONGSHORE, STEVEDORE, AND RELATED WATERFRONT OPERATIONS.

✓ WAC 296-56-99006 FORM—APPENDIX G—STANDARD PROCEDURE—TESTING AND INSPECTION CARGO SPOUTS, SUCKERS AND SIMILAR EQUIPMENT LONGSHORE, STEVEDORE AND RELATED WATERFRONT OPERATIONS.

AMENDATORY SECTION (Amending Order 82-22, filed 6/11/82)

✓ WAC 296-350-400 POSTING OF NOTICES—POSTING OF CITATION AND NOTICE—AVAILABILITY OF ACT AND APPLICABLE STANDARDS. (1) Definitions. The definitions of WAC 296-350-010 and 296-27-020 shall apply to this section.

(2) Each employer shall post and keep posted a notice or notices (the WISHA Poster, WISHERS No. 1) to be furnished by the division of industrial safety and health, department of labor and industries, informing employees of the protections and obligations provided for in the act and that for assistance and information, including copies of the act, and of specific safety and health standards employees should contact the employer or the nearest office of the department of labor and industries. Such notice or notices shall be posted by the employer at each establishment in a conspicuous place or places where notices to employees are customarily posted. Each employer shall take steps to assure that such notices are not altered, defaced or covered by other material.

(3) The notice identified in subsection (2) of this section shall be posted in each establishment of the employer as defined in WAC 296-27-020(7).

(4) All notices required to be posted by provisions of the act, provisions of this chapter or the provisions of any other safety and health standard, rule or regulation adopted pursuant to the authority of the act, shall be posted as required by this section, or as required by the act, or as required by the provision of the applicable safety and health standard, rule or regulation.

(5) Unless otherwise specified in this section, the act, or the applicable safety and health standard, rule or regulation, notices or other materials required to be posted, shall be posted in each establishment of the employer, as defined in WAC 296-27-020(7).

(6) Copies of the act, all regulations published in this chapter and all applicable standards shall be available at all regional offices of the division of industrial safety and health, department of labor and industries. If an employer has obtained copies of these materials, he shall make them available upon request to any employee or his authorized representative on the same day the request is made, or at the earliest time mutually convenient to the employee or his authorized representative and the employer, for review by the requesting employee or authorized representative.

(7) Any employer failing to comply with the provisions of this section shall be subject to citation and penalty in accordance with the provisions of section 12 and 18 of the act. (RCW 49.17.120 and 49.17.180.)

(8) Documents required to be posted include, but shall not be limited to the following:

(a) A copy or copies of an application or applications for a variance or variances from any safety and health standards applied for in accordance with RCW 49.17.080 or 49.17.090 shall be posted at each establishment to which the variance, if granted, will apply. The manner of posting such applications shall be in accordance with subsections (4) and (5) of this section.

(b) Upon receipt of any CITATION AND NOTICE issued by the department pursuant to RCW 49.17.120 or 49.17.130, the employer shall immediately post the CITATION AND NOTICE or a copy thereof in a prominent place at or near each place a violation referred to in the CITATION AND NOTICE occurred. Where, because of the nature of the employer's operations, it is not practicable to post the CITATION AND NOTICE or a copy thereof at or near each place of violation, the CITATION AND NOTICE or a copy thereof shall be posted in the establishment of the employer, as defined in WAC 296-27-020(7).

The posted CITATION AND NOTICE or copy thereof shall be complete and shall not be abstracted, edited or otherwise changed from the original. The posted CITATION AND NOTICE or copy thereof shall be readily visible, and shall not be defaced or covered by other material.

The CITATION AND NOTICE or copy thereof shall remain posted as required by this subsection until ((the violation(s) has)) all violations have been abated, or for three working days, whichever is longer. Whenever an employer verifies abatement of a violation in writing, see WAC 296-27-16009, a copy of the written verification shall be posted with the Citation and Notice for at least three working days.

(c) A copy of the notice of filing of appeal pursuant to RCW 49.17.140, the notice of conference pursuant to WAC 263-12-090, and the notice of hearing pursuant to WAC 263-12-100 shall be posted by the employer at each establishment to which the notices apply in a conspicuous place or places where notices to employees are customarily posted. The manner of posting such notices shall be in accordance with subsections (4) and (5) of this section.

(d) In the event that a proposed agreement settling an appeal of a citation and notice to the board of industrial insurance appeals is reached between the employer and the department without the concurrence of the affected employees or employee groups, a copy of the proposed agreement shall be posted by the employer at each establishment to which the agreement applies in a conspicuous place or places where notices to employees are customarily posted. The agreement shall be posted for 10 days before it is filed with the board of industrial insurance appeals. The manner of posting shall be in accordance with subsections (4) and (5) of this section.

(e) Notices required to be posted by specific provisions of any safety and health standard or other rule or regulation duly adopted by the director shall be posted according to the standard, rule or regulation requiring

such posting. If the provision containing the requirement for posting does not specify the manner of posting, such posting shall conform to the requirements of subsections (4) and (5) of this section.

WSR 86-03-065

NOTICE OF PUBLIC MEETINGS SEATTLE COMMUNITY COLLEGE DISTRICT

[Memorandum—January 16, 1986]

There will be a joint meeting of the board of trustees of Seattle Community College District and members of the State Board for Community College Education at 6:00 p.m., Wednesday, January 22, 1986, at Seattle Central Community College, 1701 Broadway, Seattle, WA 98122.

WSR 86-03-066

EMERGENCY RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance)

[Order 2330—Filed January 17, 1986]

I, Lee D. Bomberger, acting director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to medically needy income level, amending WAC 388-99-020.

I, Lee D. Bomberger, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these rules will be of substantial benefit to certain applicants/recipients of medical assistance.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 17, 1986.

By Lee D. Bomberger, Acting Director
Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 2263, filed 7/31/85)

WAC 388-99-020 ELIGIBILITY DETERMINATION—MEDICALLY NEEDY IN OWN HOME. (1)
The medically needy income level (MNIL) shall be:

(a) One person	\$	364
(b) Two persons	\$	((517)) 526
(c) Three persons	\$	((544)) 552
(d) Four persons	\$	((561)) 578
(e) Five persons	\$	((646)) 666
(f) Six persons	\$	((731)) 756
(g) Seven persons	\$	((847)) 873
(h) Eight persons	\$	((936)) 966
(i) Nine persons	\$	((1,028)) 1,061
(j) Ten persons and above	\$	((1,117)) 1,153

WSR 86-03-067
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2331—Filed January 17, 1986]

I, Lee D. Bomberger, acting director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to denied SSI applicants, amending WAC 388-85-115.

I, Lee D. Bomberger, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these rules will be of substantial benefit to certain applicants for medical assistance.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 17, 1986.

By Lee D. Bomberger, Acting Director
 Division of Administration and Personnel

(2) For families and children countable income is determined by deducting, from gross income, amounts that would be deducted in determining AFDC grant eligibility. Earned income exemption of \$30 plus 1/3 of the remainder does not apply for individuals applying solely for medical assistance.

(3) For aged, blind, and disabled individuals countable income is determined by deducting, from gross income, amounts that would be deducted in determining eligibility for the state supplementary payment.

(4) If countable income is equal to or less than the appropriate MNIL, the family or individual is certified eligible.

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

(6) Financial responsibility of relatives.

(a) For families and children,

(i) Income and resources of spouse or parent are considered available to the applicant whether or not actually contributed if they live in the same household.

(ii) Income and resources of spouse or parent are considered only to the extent of what is actually contributed if not in same household.

(b) For aged, blind, and disabled, see chapter 388-92 WAC for deeming of income.

(7) In mixed households, where more than one assistance unit exists, determine income for the AFDC related assistance unit according to subsection (2) of this section, and for the SSI related assistance unit according to subsection (3) of this section.

AMENDATORY SECTION (Amending Order 2063, filed 1/4/84)

WAC 388-85-115 DENIED ((SSI)) TITLE II AND TITLE XVI APPLICANTS. ((When SSA denies an applicant solely because of failure to meet blindness and disability criteria under Title XVI such applicant shall not be eligible as categorically needy or medically needy.

(1) The CSO is not authorized to submit a request for determination for blindness or disability to the office of disability insurance benefits.

(2) If the individual presents medical evidence to the CSO, a referral to SSA is required.) When an individual has applied for Title II or Title XVI benefits and the SSA has denied the application solely because of a failure to meet blindness or disability criteria under Title II or Title XVI, the SSA denial shall be binding on the department, unless:

(1) The SSA denial is under appeals in the reconsideration stage, the SSA's administrative fair hearing process, the SSA's appeals council, or the federal courts, or

(2) The applicant's medical condition has changed since the SSA denial was issued.

WSR 86-03-068
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed January 17, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning denied SSI applicants, amending WAC 388-85-115.

It is the intention of the secretary to adopt these rules on an emergency basis on or about January 17, 1986; that the agency will at 10:00 a.m., Wednesday, February 26, 1986, in the Auditorium, Office Building #2, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on March 5, 1986.

The authority under which these rules are proposed is RCW 74.08.090.

The specific statute these rules are intended to implement is chapter 74.09 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before February 26, 1986.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Lee D. Bomberger, Acting Director
 Division of Administration and Personnel
 Department of Social and Health Services
 Mailstop OB 14
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Administrative Regulations Section, at State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by February 12, 1986. The meeting site is in a location which is barrier free.

Dated: January 15, 1986
 By: Lee D. Bomberger, Acting Director
 Division of Administration and Personnel

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.
 Re: Amending WAC 388-85-115 to clarify when SSA denials are binding on the department.

Reason These Rules are Necessary: The present rules do not allow for any exceptions to SSA denials.

Statutory Authority: RCW 74.08.090.

Summary of the Rule Change: SSA denials, solely because of failure to meet the blindness or disability criteria, shall be binding on the department except when, (a) the denial is in the appeals process; or (b) the medical condition has changed.

Person Responsible for Drafting, Implementation and Enforcement of the Rule: James Sparks, Program Manager, Division of Medical Assistance, phone 753-7316, mailstop HB-41.

Rules proposed by DSHS.

These rules are not necessary as a result of federal law, court decision or state court decision.

No economic impact statement is required under the Regulatory Fairness Act, Laws of 1982.

AMENDATORY SECTION (Amending Order 2063, filed 1/4/84)

WAC 388-85-115 DENIED ((SSH)) TITLE II AND TITLE XVI APPLICANTS. ((When SSA denies an applicant solely because of failure to meet blindness and disability criteria under Title XVI such applicant shall not be eligible as categorically needy or medically needy.

(1) The CSO is not authorized to submit a request for determination for blindness or disability to the office of disability insurance benefits.

(2) If the individual presents medical evidence to the CSO, a referral to SSA is required.)) When an individual has applied for Title II or Title XVI benefits and the SSA has denied the application solely because of a failure to meet blindness or disability criteria under Title II or Title XVI, the SSA denial shall be binding on the department, unless:

(1) The SSA denial is under appeals in the reconsideration stage, the SSA's administrative fair hearing process, the SSA's appeals council, or the federal courts; or

(2) The applicant's medical condition has changed since the SSA denial was issued.

WSR 86-03-069
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed January 17, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning medically needy income level, amending WAC 388-99-020.

It is the intention of the secretary to adopt these rules on an emergency basis on or about January 17, 1986; that the agency will at 10:00 a.m., Wednesday, February 26, 1986, in the Auditorium, Office Building #2, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on March 5, 1986.

The authority under which these rules are proposed is RCW 74.08.090.

The specific statute these rules are intended to implement is chapter 74.09 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before February 26, 1986.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Lee D. Bomberger, Acting Director
 Division of Administration and Personnel
 Department of Social and Health Services
 Mailstop OB 14
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Administrative Regulations Section, at State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-

7015 by February 12, 1986. The meeting site is in a location which is barrier free.

Dated: January 14, 1986
By: Lee D. Bomberger, Acting Director
Division of Administration and Personnel

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045. Amending WAC 388-99-020.

Purpose of the Rule: To change the medically needy income levels to reflect increases in the AFDC payment standards.

Rule is Necessary: The AFDC payment standards are being increased effective January 1, 1986.

Summary of the Change: The medically needy income levels are being increased so that at all levels it will not be lower than the AFDC payment standard.

Person Responsible for Drafting, Implementation and Enforcement of the Rule: Jim Sparks, Program Manager, Division of Medical Assistance, phone 753-7316, mailstop HB-41.

Rules proposed by DSHS.

These rules are not necessary as a result of federal law, federal court decision or state court decision.

No economic impact statement is required under the Regulatory Fairness Act, Laws of 1982.

AMENDATORY SECTION (Amending Order 2263, filed 7/31/85)

WAC 388-99-020 ELIGIBILITY DETERMINATION—MEDICALLY NEEDY IN OWN HOME. (1) The medically needy income level (MNIL) shall be:

(a) One person	\$ 364
(b) Two persons	\$ ((517)) 526
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(e) Five persons	\$ ((646)) 666
(f) Six persons	\$ ((731)) 756
(g) Seven persons	\$ ((847)) 873
(h) Eight persons	\$ ((936)) 966
(i) Nine persons	\$ ((+028)) 1,061
(j) Ten persons and above	\$ ((+117)) 1,153

(2) For families and children countable income is determined by deducting, from gross income, amounts that would be deducted in determining AFDC grant eligibility. Earned income exemption of \$30 plus 1/3 of the remainder does not apply for individuals applying solely for medical assistance.

(3) For aged, blind, and disabled individuals countable income is determined by deducting, from gross income, amounts that would be deducted in determining eligibility for the state supplementary payment.

(4) If countable income is equal to or less than the appropriate MNIL, the family or individual is certified eligible.

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

(6) Financial responsibility of relatives.
(a) For families and children,

(i) Income and resources of spouse or parent are considered available to the applicant whether or not actually contributed if they live in the same household.

(ii) Income and resources of spouse or parent are considered only to the extent of what is actually contributed if not in same household.

(b) For aged, blind, and disabled, see chapter 388-92 WAC for deeming of income.

(7) In mixed households, where more than one assistance unit exists, determine income for the AFDC related assistance unit according to subsection (2) of this section, and for the SSI related assistance unit according to subsection (3) of this section.

WSR 86-03-070
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health)
[Filed January 17, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning:

- Amd ch. 248-18 WAC Hospital rules and regulations.
- Amd ch. 248-21 WAC Hospice care center.
- Amd ch. 248-16 WAC Boarding homes.
- Amd ch. 248-140 WAC Medical facility for induction and/or termination of pregnancies;

that the agency will at 10:00 a.m., Tuesday, March 11, 1986, in the Auditorium, Office Building #2, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on March 19, 1986.

The authority under which these rules are proposed is chapter 213, Laws of 1985.

The specific statute these rules are intended to implement is chapter 213, Laws of 1985.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 11, 1986.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Lee D. Bomberger, Acting Director
Division of Administration and Personnel
Department of Social and Health Services
Mailstop OB 14
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Administrative Regulations Section, at State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by February 25, 1986. The meeting site is in a location which is barrier free.

Dated: January 14, 1986
By: Lee D. Bomberger, Acting Director
Division of Administration and Personnel

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045. Re: Amending chapter 248-18 WAC, Hospital rules and regulations; chapter 248-21 WAC, Hospice care

center; chapter 248-16 WAC, Boarding homes; and chapter 248-140 WAC, Medical facility for induction and/or termination of pregnancies.

Purpose of These Rules: To describe minimum standards of safety and adequate care for patients and residents in facilities licensed by the state pursuant to chapters 70.41, 18.20 and 9.02 RCW.

Amendments to These Rules are Necessary: To remove references to the State Board of Health in WAC consistent with Engrossed House Bill 610, chapter 213, Laws of 1985, which amended chapters 70.41, 18.20 and 9.02 RCW.

Statutory Authority: Chapters 70.41, 18.20 and 9.02 RCW.

Summary of Amendments to the Rules: Reference to the State Board of Health as the rule adoption authority is removed in four chapters of WAC: Chapter 248-18 WAC, Hospital rules and regulations; chapter 248-21 WAC, Hospice care center; chapter 248-16 WAC, Boarding homes; and chapter 248-140 WAC, Medical facility for induction and/or termination of pregnancies. Other editing is nonsubstantive in nature.

Person Responsible for Administration and Enforcement of These Rules: John Gerth, Section Head, Facility Licensing and Certification Section, Division of Health, DSHS, mailstop ET-31, phone 753-5851.

Rule proposed by DSHS.

These rules are not necessary as a result of federal law, federal court decision or state court decision.

No economic impact is required under the Regulatory Fairness Act, Laws of 1982, since no substantive revision is proposed.

AMENDATORY SECTION (Amending Order 147, filed 6/29/77)

WAC 248-16-900 EXEMPTIONS. The ~~((state board of health,))~~ department may, in its discretion, exempt a boarding home from complying with parts of these rules pursuant to the procedure set forth in WAC 248-08-595.

AMENDATORY SECTION (Amending Regulation .16.999, effective 3/11/60)

WAC 248-16-999 LEGAL AUTHORITY OF THE ~~((STATE BOARD OF HEALTH))~~ DEPARTMENT. See RCW 18.20.090 ~~((Section 9, chapter 253, Laws of 1957)).((1))~~

AMENDATORY SECTION (Amending Order 275, filed 8/16/84)

WAC 248-18-001 DEFINITIONS. For the purposes of these regulations, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise. All adjectives and adverbs such as adequate, approved, suitable, properly, or sufficient used in these regulations to qualify a requirement shall be determined by the department.

(1) "Abuse" means the injury or sexual abuse of an individual patient under circumstances indicating the health, welfare, and safety of the patient is harmed thereby. Person "legally responsible" shall include a parent, guardian, or an individual to whom parental or guardian responsibility has been delegated (e.g., teachers, providers of residential care and/or treatment, providers of day care):

(a) "Physical abuse" means damaging or potentially damaging non-accidental acts or incidents which may result in bodily injury or death.

(b) "Emotional abuse" means verbal behavior, harassment, or other actions which may result in emotional or behavioral problems, physical manifestations, disordered or delayed development.

(2) "Accredited" means approved by the joint commission on accreditation of hospitals or the bureau of hospitals of the American Osteopathic Association.

(3) "Acute cardiac care unit" means an intensive care unit for patients with heart problems.

(4) "Agent," when used in a reference to a medical order or a procedure for a treatment, means any power, principle, or substance, whether physical, chemical, or biological, capable of producing an effect upon the human body.

(5) "Alterations":

(a) "Alterations" means changes requiring construction in existing hospitals.

(b) "Minor alterations" means any physical or functional modification within existing hospitals not changing the approved use of the room or area. (Minor alterations performed under this definition do not require prior review of the department as specified in WAC 248-18-510 (3)(a); however, this does not constitute a release from other applicable requirements.)

(6) "Area" means a portion of a room containing the equipment essential to carrying out a particular function and separated from other facilities of the room by a physical barrier or adequate space, except when used in reference to a major section of the hospital.

(7) "Authenticated" or "authentication" means authorization of a written entry in a record by means of a signature including, minimally, first initial, last name, and title.

(8) "Bathing facility" means a bathtub or shower and does not include sitz baths or other fixtures designated primarily for therapy.

(9) "Birthing room" means a room designed, equipped, and arranged to provide for the care of a woman and newborn and to accommodate her support persons during the complete process of vaginal childbirth (three stages of labor and recovery of woman and newborn).

(10) ~~((Board means the Washington state board of health.~~

~~((+)))~~ "Clean" means space or spaces and/or equipment for storage and handling of supplies and/or equipment which are in a sanitary or sterile condition, when the word is used in reference to a room, area, or facility.

~~((+2)))~~ (11) "Department" means the Washington state department of social and health services.

~~((+3)))~~ (12) "Dentist" means an individual licensed under chapter 18.32 RCW.

~~((+4)))~~ (13) "Dietitian" means an individual meeting the eligibility requirements for active membership in the American Dietetic Association described in Directory of Dietetic Programs Accredited and Approved, American Dietetic Association, edition 100, 1980.

~~((+5)))~~ (14) "Drug administration" means an act in which a single dose of a prescribed drug or biological is given to a patient by an authorized person in accordance with all laws and regulations governing such acts. The complete act of administration entails removing an individual dose from a previously dispensed, properly labeled container (including a unit dose container), reviewing the label on the container with a verified transcription, a direct copy or the original medical practitioner's orders, giving the individual dose to the proper patient, and properly recording the time and dose given.

~~((+6)))~~ (15) "Drug dispensing" means an act entailing the interpretation of an order for a drug or biological and, pursuant to that order, proper selection, measuring, labeling, packaging, and issuance of the drug for a patient or for a service unit of the facility.

~~((+7)))~~ (16) "Facilities" means a room or area and/or equipment to serve a specific function.

~~((+8)))~~ (17) "Faucet controls" means wrist, knee, or foot control of the water supply:

(a) "Wrist control" means water supply controls not to exceed four and one-half inches overall horizontal length designed and installed to be operated by the wrists;

(b) "Knee control" means the water supply is controlled through a mixing valve designed and installed to be operated by the knee;

(c) "Foot control" means the water supply control is through a mixing valve designed and installed to be operated by the foot.

~~((+9)))~~ (18) "Governing body" means the person or persons responsible for establishing the purposes and policies of the hospital.

~~((+20)))~~ (19) "Grade" means the level of the ground adjacent to the building measured at required windows. The ground must be level or slope downward for a distance of at least ten feet from the wall of the building. From there the ground may slope upward not greater than an average of one foot vertical to two feet horizontal within a distance of eighteen feet from the building.

~~((+21)))~~ (20) "Handwashing facility" means a lavatory or a sink properly designed and equipped to serve for handwashing purposes.

((22)) (21) "He, him, his, or himself" means a person of either sex, male, or female, and does not mean preference for nor exclude reference to either sex.

((23)) (22) "High-risk infant" means an infant, regardless of gestational age or birth weight, whose extrauterine existence is compromised by a number of factors, (prenatal, natal, or postnatal), and who is in need of special medical or nursing care.

((24)) (23) "Hospital" means any institution, place, building, or agency which provides accommodations, facilities and services over a continuous period of twenty-four hours or more, for observation, diagnosis, or care(;) of two or more individuals not related to the operator who are suffering from illness, injury, deformity, or abnormality, or from any other condition for which obstetrical, medical, or surgical services would be appropriate for care or diagnosis. "Hospital" as used in this chapter does not include hotels, or similar places furnishing only food and lodging, or simply domiciliary care; nor does it include clinics, or physicians' offices where patients are not regularly kept as bed patients for twenty-four hours or more; nor does it include nursing homes, as defined and which come within the scope of chapter 18.51 RCW; nor does it include maternity homes, which come within the scope of chapter 18.46 RCW; nor does it include psychiatric or alcoholism hospitals, which come within the scope of chapter 71.12 RCW; nor any other hospital, or institution specifically intended for use in the diagnosis and care of those suffering from mental illness, mental retardation, convulsive disorders, or other abnormal mental conditions. Furthermore, nothing in this chapter shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any hospital conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well-recognized church or religious denominations.

((25)) (24) "Infant" means a baby or very young child up to one year of age.

((26)) (25) "Infant station" means a space for a bassinet, incubator, or equivalent, including support equipment(;) used for the care of an individual infant.

((27)) (26) "Intensive care unit" means a special physical and functional unit for the segregation, concentration, and close or continuous nursing observation and care of patients critically, seriously, or acutely ill, and in need of intensive, highly skilled nursing service.

((28)) (27) "Investigational drug" means any article not approved for use in the United States, but for which an investigational drug application (IND) has been approved by the Food and Drug Administration.

((29)) (28) "Island tub" means a bathtub placed in a room to permit free movement of a stretcher, patient lift, or wheelchair to at least one side of the tub, and movement of people on both sides and at the end of the tub.

((30)) (29) "Lavatory" means a plumbing fixture of adequate design and size for washing hands.

((31)) (30) "Legend drugs" means any drugs required by state law or regulation of the state board of pharmacy to be dispensed on prescription only or are restricted to use by practitioners only.

((32)) (31) "Licensed practical nurse," abbreviated L.P.N., means an individual licensed under provisions of chapter 18.78 RCW.

((33)) (32) "May" means permissive or discretionary on the part of the board or the department.

((34)) (33) "Medical staff" means physicians and may include other practitioners appointed by the governing body to practice within the parameters of governing body and medical staff bylaws.

((35)) (34) "Movable equipment" means equipment not built-in, fixed, or attached to the building.

((36)) (35) "Neglect" means negligent treatment or maltreatment; an act or omission evincing a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to an individual patient's health, welfare, and safety.

(a) "Physical neglect" means physical or material deprivation (e.g., lack of medical care, lack of supervision necessary for patient level of development, inadequate food, clothing, or cleanliness).

(b) "Emotional neglect" means acts such as rejection, lack of stimulation, or other acts of commission or omission which may result in emotional or behavioral problems, physical manifestations, and disordered development.

((37)) (36) "Neonate" or "newborn" means a newly born infant through the twenty-seventh day of life or under twenty-eight days of age.

((38)) (37) "Neonatal intensive care nursery" means an area designed, organized, and equipped to provide constant nursing care to the high-risk infant.

((39)) (38) "New construction" means any of the following:

(a) New buildings to be used as hospitals;

(b) Additions to existing buildings to be used as hospitals;

(c) Conversion of existing buildings or portions thereof for use as hospitals;

(d) Alterations.

((40)) (39) "Nursing home unit" or "long-term care unit" means a group of beds for the accommodation of patients who, because of chronic illness or physical infirmities, require skilled nursing care and related medical services but are not acutely ill and not in need of the highly technical or specialized services ordinarily a part of hospital care.

((41)) (40) "Nursing unit, general" means a separate physical and functional unit of the hospital including a group of patient rooms, ancillary and administrative, and service facilities necessary to provide nursing service to the occupants of these patient rooms. Facilities serving other areas of the hospital and creating traffic unnecessary to the functions of the nursing unit are excluded.

((42)) (41) "Observation room" means a room for close nursing observation and care of one or more outpatients for a period of less than twenty-four consecutive hours.

((43)) (42) "Obstetrical area" means the portions or units of the hospital designated or designed for care and treatment of women during the antepartum, intrapartum, and postpartum periods, and/or areas designed as nurseries for care of newborns.

((44)) (43) "Occupational therapist" means an individual having graduated with a bachelors degree in occupational therapy from a university or college occupational therapy program and having completed field work requirements of that program.

((45)) (44) "Patient" means an individual receiving (or has received) preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative health services at the hospital. "Outpatient" means a patient receiving services that generally do not require admission to a hospital bed for twenty-four hours or more.

((46)) (45) "Patient care areas" means all nursing service areas of the hospital where direct patient care is rendered and all other areas of the hospital where diagnostic or treatment procedures are performed directly upon a patient.

((47)) (46) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

((48)) (47) "Pharmacist" means an individual licensed by the state board of pharmacy to engage in the practice of pharmacy under the provisions of chapter 18.64 RCW as now or hereafter amended.

((49)) (48) "Pharmacy" means the central area in a hospital where drugs are stored and are issued to hospital departments(;) or where prescriptions are filled.

((50)) (49) "Physical barrier" means a partition or similar space divider designed to prevent splash or spray between room areas.

((51)) (50) "Physical therapist" means an individual licensed under provisions of chapter 18.74 RCW.

((52)) (51) "Physician" means an individual licensed under provisions of chapter 18.71 RCW, Physicians, or chapter 18.57 RCW, Osteopathy—Osteopathic medicine and surgery.

((53)) (52) "Physician's assistant" means an individual who is not a physician but is practicing medicine in accordance with the provisions of chapter 18.71A RCW and the rules and regulations promulgated thereunder, or in accordance with provisions of chapter 18.57A RCW and the rules and regulations promulgated thereunder.

((54)) (53) "Prescription" means an order for drugs for a specific patient given by a licensed physician, dentist, or other individual legally authorized to write prescriptions, transmitted to a pharmacist for dispensing to the specific patient.

((55)) (54) "Psychiatric unit" means a separate portion of the hospital specifically reserved for the care of psychiatric patients (a part of which may be unlocked and a part locked), as distinguished from "seclusion rooms" or "security rooms" as defined in subsections (65) and (66) of this section.

((56)) (55) "Psychiatrist" means a physician who has successfully completed a three-year residency program in psychiatry and is eligible for certification by the American Board of Psychiatry and Neurology as described in the Directory of Residency Training Programs Accredited by the Accreditation Council for Graduate Medical Education, American Medical Association, 1981-1982, or eligible for certification

by the American Osteopathic Board of Neurology and Psychiatry as described in the American Osteopathic Association Yearbook and Directory, 1981-1982.

((57)) (56) "Psychologist" means an individual licensed as a psychologist in the state of Washington under provisions of chapter 18.83 RCW.

((58)) (57) "Recreational therapist" means an individual with a ~~(bachelor's)~~ bachelors degree including a major or option in therapeutic recreation or recreation for the ill and handicapped.

((59)) (58) "Recovery unit" means a special physical and functional unit for the segregation, concentration, and close or continuous nursing observation and care of patients for a period of less than twenty-four hours immediately following anesthesia, obstetrical delivery, surgery, or other diagnostic or treatment procedures which may produce shock, respiratory obstruction or depression, or other serious states.

((60)) (59) "Referred outpatient diagnostic service" means a service provided to an individual receiving his or her medical diagnosis, treatment, and other health care services from one or more sources outside the hospital; limited to diagnostic tests and examinations not involving the administration of a parenteral injection, the use of a local or general anesthesia or the performance of a surgical procedure; and ordered by a health care practitioner, legally permitted to order such tests and examinations, to whom the hospital reports the findings and results of the tests and examinations.

((61)) (60) "Registered nurse" means an individual licensed under the provisions of chapter 18.88 RCW and practicing in accordance with the rules and regulations promulgated thereunder.

((62)) (61) "Restraint" means any apparatus used for the purpose of preventing or limiting free body movement. This shall not be interpreted to include a safety device as defined herein.

((63)) (62) "Room" means a space set apart by floor-to-ceiling partitions on all sides with proper access to a corridor and with all openings provided with doors or windows.

((64)) (63) "Rooming-in" means an arrangement for mother and infant to room together with provision for family interaction within the hospital setting.

((65)) (64) "Safety device" means a device used to safeguard a patient who, because of his or her developmental level or condition, is particularly subject to accidental self-injury.

((66)) (65) "Seclusion room" means a small, secure room specifically designed and organized to provide for temporary placement, care, and observation of one patient and further providing an environment with minimal sensory stimuli, maximum security and protection, and visualization of the patient by authorized personnel and staff. Doors of seclusion rooms shall be provided with staff-controlled locks. There shall be security relites in the door or equivalent means affording visibility of the occupant at all times. Inside or outside rooms may be acceptable.

((67)) (66) "Security room" means a patient sleeping room designed, furnished, and equipped to provide maximum safety and security, including window protection or security windows and a lockable door with provision for observation of room occupant or occupants.

((68)) (67) "Self-administration of drugs" means a patient administering or taking his or her own drugs from properly labeled containers: PROVIDED, That the facility maintains the responsibility for seeing the drugs are used correctly and the patient is responding appropriately.

((69)) (68) "Shall" means compliance is mandatory.

((70)) (69) "Should" means a suggestion or recommendation, but not a requirement.

((71)) (70) "Sinks":

(a) "Clinic service sink (siphon jet)" means a plumbing fixture of adequate size and proper design for waste disposal with siphon jet or similar action sufficient to flush solid matter of at least two and one-eighth inch diameter.

(b) "Scrub sink" means a plumbing fixture of adequate size and proper design for thorough washing of hands and arms, equipped with knee, foot, electronic, or equivalent control, and gooseneck spout.

(c) "Service sink" means a plumbing fixture of adequate size and proper design for filling and emptying mop buckets.

((72)) (71) "Social worker" means an individual holding a masters degree in social work from a graduate school of social work approved by the council on social work education.

((73)) (72) "Soiled" (when used in reference to a room, area, or facility) means space and equipment for collection and/or cleaning of

used or contaminated supplies and equipment and/or collection and/or disposal of wastes.

((74)) (73) "Stretcher" means a four-wheeled cart designed to serve as a litter for the transport of an ill or injured individual in a horizontal or recumbent position.

((75)) (74) "Surgical procedure" means any manual or operative procedure performed upon the body of a living human being for the purpose of preserving health, diagnosing or curing disease, repairing injury, correcting deformity or defect, prolonging life or relieving suffering, and involving any of the following: Incision, excision, or curettage of tissue or an organ; suture or other repair of tissue or an organ including a closed as well as an open reduction of a fracture; extraction of tissue including the premature extraction of the products of conception from the uterus; or an endoscopic examination with use of a local or general anesthesia.

((76)) (75) "Through traffic" means traffic for which the origin and destination are outside the room or area serving as a passageway.

((77)) (76) "Toilet" means a room containing at least one water closet.

((78)) (77) "Tuberculous patient" means an individual receiving diagnostic or treatment services because of suspected or known tuberculosis.

((79)) (78) "Water closet" means a plumbing fixture for defecation fitted with a seat and device for flushing the bowl of the fixture with water.

((80)) (79) "Window" means a glazed opening in an exterior wall.

(a) "Maximum security window" means a window that can only be opened by keys or tools under the control of personnel. The operation of such shall be restricted to prohibit escape or suicide. Where glass fragments may create a hazard, safety glazing and/or other appropriate security features shall be incorporated. Approved transparent materials other than glass may be used.

(b) "Relite" means a glazed opening in an interior partition between a corridor and a room or between two rooms to permit viewing.

(c) "Security window" means a window designed to inhibit exit, entry, and injury to a patient, incorporating approved, safe transparent material.

AMENDATORY SECTION (Amending Order 209, filed 2/18/81)

WAC 248-18-010 EXEMPTIONS AND INTERPRETATIONS. (1) If a hospital that is required to be licensed under this act(;) does not normally provide a particular service or department, the section or sections of these regulations relating to such service or department will not be applicable.

(2) The ~~((state board of health))~~ department may, in its discretion, exempt certain hospitals from complying with parts of these regulations ~~((which pertain to health and sanitation;))~~ when it has been found after thorough investigation and consideration that such exemption may be made in an individual case without placing the safety or health of the patients in the hospitals involved in jeopardy.

~~((The state board of health hereby delegates to the director of the health services division of the department of social and health services the authority to grant said exemptions pursuant to the standards contained in chapter 248-18 WAC relating to the subject matter for which the exemption is requested, subject to the provisions contained herein. If an application for an exemption is recommended for denial by the director of the health services division, the recommendations shall be reviewed by the board of health at its next meeting. If an application is recommended to be granted by the director, it shall be reviewed in accordance with subdivision (b) of this subsection.~~

~~(a) Such reviews shall not be considered contested cases as that term is defined in chapter 34.04 RCW. Statements and written material regarding the application may be presented to the board at or before its meeting wherein the application for exemption will be considered. Allowing cross examination of witnesses in such matters shall be within the discretion of the board.~~

~~(b) Written summaries of all exemptions proposed to be granted by the director of the health services division shall be sent to all members of the board of health and shall include written forms upon which the members may indicate approval or disapproval of the exemption request. No exemption granted by the director of the health services division shall take effect for thirty days following notice of the tentative exemption approval being sent to the members of the board of health. If any member of the board of health shall fail to respond, or shall disagree with the proposed exemption request, within the above thirty-day period, the exemption shall not take effect until reviewed and approved by the entire board at its next regular meeting.))~~

(3) ~~(The secretary of the department of social and health services or his designee may, upon written application:~~

~~(a) Exempt any hospital from complying with the patient room size, ceiling height, and window area requirements when the room for which the exemption is requested does not place the safety or health of the patients in the room in jeopardy;~~

~~(b) Grant an exemption to any hospital from the hospital regulations requiring alterations to meet new construction standards when the proposed alteration will serve to correct deficiencies or will upgrade the facility in order to provide better patient care and will not create any additional deficiencies.~~

~~(4))~~ (4) The secretary of the department of social and health services or his or her designee may, upon written application of a hospital, allow the substitution of procedures, materials, or equipment for those specified in these regulations when such procedures, materials, or equipment have been demonstrated to his or her satisfaction to be at least equivalent to those prescribed. The secretary or his or her designee shall send a written response to a hospital which has applied for approval of a substitution. The response shall approve or disapprove the substitution and shall be issued within thirty working days after the department has received all the information necessary to the review of the application.

~~((5))~~ (4) A hospital may, upon submission of a written request to the secretary of the department of social and health services or his or her designee, obtain an interpretation of a rule or regulation contained in chapter 248-18 WAC. The secretary or his or her designee shall, in response to such a request, send a written interpretation of the rule or regulation within thirty working days after the department has received complete information relevant to the requested interpretation.

~~((6) A hospital may submit a written request for an interpretation of a rule or regulation contained in chapter 248-18 WAC directly to the state board of health.~~

~~(7))~~ (5) A copy of each exemption or substitution granted or interpretation issued pursuant to the provisions of this section shall be reduced to writing and filed with the department and the hospital.

AMENDATORY SECTION (Amending Order 159, filed 2/22/78)

WAC 248-18-245 CARE OF TUBERCULOSIS PATIENTS.

(1) Any hospital which provides inpatient services to both tuberculous and nontuberculous patients shall provide:

(a) Designated patient rooms for patients with suspected or known infectious tuberculosis.

(i) Any patient room used for the care of a patient with suspected or known infectious tuberculosis shall be a private or ~~(semi-private))~~ semiprivate room providing respiratory isolation and a ~~((hand-washing))~~ handwashing facility and shall have a separate adjoining toilet. Only a patient with tuberculosis may share a room with a patient with infectious tuberculosis.

(ii) Ventilation: A negative pressure condition shall be maintained in the patient rooms relative to adjacent spaces, except bath and toilet areas. No air shall move out of the patient room space except to be discharged to the outdoor atmosphere. The discharge of air shall be at least twenty-five feet from any air intake or occupied space. Ventilation shall be at the rate of six air changes per hour, exhaust. Make-up or supply air may come from adjacent ventilated spaces with a minimum of two air changes being tempered outside air.

(iii) Ultraviolet generator irradiation: The ceiling and upper air space of patients' rooms shall be irradiated with ultraviolet fluorescent fixtures, with lamps emitting wave lengths of 253.7 nanometers. An average density of radiant flux shall be maintained at approximately ~~((20))~~ twenty to ~~((25-micro watts))~~ twenty-five microwatts per square centimeter as registered on an ultraviolet meter at the ceiling. The average reflected irradiance shall be approximately 0.1 ~~((micro-watts))~~ microwatts per square centimeter in the room at the five foot level.

Fixture installation shall conform to the recommendations of the Illuminating Engineering Society Handbook, 5th Edition, Section 25, "Ultraviolet Energy." A maintenance program shall be established to include cleaning of the ultraviolet fixtures and lamps at least once per month with alcohol.

(b) Clinical laboratory services including slide microscopy shall be available in the facility~~(;))~~ or through the state laboratory.

(c) Complete diagnostic x-ray service including laminography.

(d) Respiratory therapy services, including therapy related to positive pressure breathing, humidification, and nebulization.

(2) There shall be written policies and procedures pertinent to care of patients with tuberculosis.

(a) These shall be developed by representatives of administrative, medical, and nursing staffs.

(b) The policies and procedures shall be applicable within the hospital, designed to ensure safe and adequate care to patients, and consistent with applicable laws and ~~((state board of health))~~ regulations.

(c) Policies shall be made known and readily available to medical and nursing staffs, shall be followed in the care of patients, and shall be kept current by periodic review and revision.

(3) There shall be an infection control committee~~(;))~~ whose activities related to tuberculosis shall include:

(a) Review and approval of infection control policies for nursing, laboratory services, and respiratory therapy services.

(b) Consultation for nurses and other personnel on problems associated with isolation of tuberculosis.

(c) Surveillance of the skin testing and chest x-ray program for employees.

(4) There shall be a planned education program provided for personnel having responsibility for services to the tuberculosis patient. The educational program shall give each employee the opportunity to develop understanding of the:

(a) Nature and transmission of tuberculosis.

(b) Methods of control of tuberculosis.

(c) Treatment of tuberculosis.

(d) Psychological aspects of isolation.

(e) Community health aspects of tuberculosis.

A record shall be maintained of the education provided for the employee, which shall be sufficient to allow determination of whether or not the employee has received the education necessary to do an effective job in care of tuberculosis patients.

(5) There shall be a planned program of patient education to teach the patient about tuberculosis and how it is treated. The teaching program shall be directed towards helping the patient gain an understanding of:

(a) The nature and transmission of tuberculosis.

(b) How tuberculosis affects the patient's body.

(c) The treatment of tuberculosis, including the importance of regular intake of medications.

(d) The importance of regular follow-up after discharge from hospital. Entries in the patient's clinical record shall provide current information on the instruction which the patient has received and his or her progress in learning about his or her disease.

(6) There shall be regular case conferences involving the tuberculosis patient's physician, a pulmonary disease consultant, a registered nurse, and the health officer or his or her designee of the patient's county of residence to: Assure accurate diagnosis, effective treatment regimen, and discharge at earliest date consistent with good management and safety from transmission. A discharge conference shall include a representative of the facility to which a patient is being transferred or the health department of the patient's county of residence.

(7) There shall be planning for discharge and continued care of each tuberculosis patient in accordance with the patient's needs and resources. This shall include:

(a) Exchange of information with appropriate staff of another health care facility to which transfer of a patient is pending to ascertain that the other facility can receive and care for the patient.

(b) Transfer of written current medical information, which includes a medical history and physical examination, medical diagnosis, summary of the patient's course of treatment followed in the hospital, nursing and dietary information useful in the care of the patient, and pertinent social information.

(c) Transfer of written information as outlined in subsection (7)(b) of this section to the health department of the patient's county of residence when a patient is discharged to home care.

(d) Notification of the health department of the patient's county of residence at any time a patient is discharged.

(8) No hospital may provide inpatient services to tuberculous patients except upon the written finding of the department of social and health services, based upon an inspection performed pursuant to RCW 70.41.120, that such hospital is in compliance with this section.

AMENDATORY SECTION (Amending Order 209, filed 2/18/81)

WAC 248-18-515 DESIGN AND CONSTRUCTION STANDARDS, GENERAL. (1) Exemptions, substitutions, and interpretations. Exemptions, approval of substitutions, and interpretations related to design and construction standards may be obtained pursuant to the provisions of WAC 248-18-010.

(2) Industry standards, guides, and codes adopted by reference.

(a) At least annually, and no later than October 1st of each year, the department shall (~~submit to the board for adoption~~) adopt an (~~up-dated~~) updated list of industry standards, guides, and codes which are adopted by reference in those sections of chapter 248-18 WAC which govern hospital construction.

(b) Preliminary drawings for a hospital construction project shall conform to the industry standards, guides, and codes which appear in the current chapter 248-18 WAC which shall constitute the applicable standards, guides, and codes for the duration of the construction project with the following exceptions:

(i) Upon written request of a hospital, the department may issue written approval of use of a more recent edition of an industry standard, guide, or code which has been adopted by the (~~board~~) department since development of the preliminary drawings for a hospital construction project. The more recent edition of the standard, guide, or code shall then apply to the project.

(ii) The most recent edition of an industry standard, guide, or code which has been adopted by the (~~board~~) department shall apply to a hospital construction project if the design of the project has not progressed to the point that construction has been authorized by the department in accordance with WAC 248-18-510 (3)(a) within two years after the first submission of the preliminary drawings for the project which were developed in accordance with an earlier edition of the standard, guide, or code.

(3) Format.

(a) In general, regulations concerning the size, location, and major equipment of rooms and areas are placed under headings for particular departments or facilities. Some service facilities which are common to several departments or units are grouped under "GENERAL REQUIREMENTS FOR SERVICE FACILITIES," WAC 248-18-710. Mechanical and electrical requirements and detailed architectural requirements are included in "GENERAL DESIGN REQUIREMENTS," WAC 248-18-718.

(b) Equipment included in these regulations is that which is frequently built in or attached to the building. Equipment which is customarily movable is not included.

(c) For every WAC section, the title caption denotes the category of facilities, requirements, or information to which the contents of the particular section relates.

(d) In "new construction regulations," requirements are differentiated from items which are permissive, suggestive, recommendatory, or explanatory in the following manner.

(i) "Optional. SHALL MEET REQUIREMENTS, IF INCLUDED," following the title caption for a WAC section, indicates the particular unit, service, department, or other category of facilities (which the title caption denotes) is only suggested or recommended and not mandatory, but must comply with applicable regulations if included in the hospital.

(ii) In some instances, the title caption for a WAC section denotes a unit, service, department, or other category of facilities which is required ONLY under certain circumstances. The circumstances under which such category of facilities is required are stated following the title caption. Such a category of facilities must meet applicable regulations if included in the hospital.

(iii) Within a WAC section, requirements are written in capital letters.

(iv) Permissive, suggestive, recommendatory, or explanatory items within a WAC section are written in lower case. Inclusion of any equipment, area, room, unit, service, or other facility which is only suggested or recommended (lower case) is optional. Such equipment, area, room, unit, service, or other facility shall meet requirements (capital letters) if included in the hospital.

AMENDATORY SECTION (Amending Order 283, filed 4/18/85)

WAC 248-18-718 GENERAL DESIGN REQUIREMENTS. (REQUIREMENTS ARE SHOWN IN CAPITAL LETTERS. SEE WAC 248-18-515.)

(1) VECTOR CONTROL. CONSTRUCTION OF THE BUILDING SHALL BE SUCH AS TO PREVENT THE ENTRANCE AND HARBORAGE OF RODENTS AND INSECTS.

(2) ELEVATORS.

(a) AT LEAST ONE ELEVATOR CONVENIENTLY ACCESSIBLE FROM GROUND LEVEL IN ALL HOSPITALS WITH PATIENT CARE AND/OR DIAGNOSTIC AREAS ON OTHER THAN GROUND LEVEL OR ON MORE THAN ONE LEVEL. IF ELEVATOR REQUIRED,

(i) AT LEAST TWO ELEVATORS IN ALL HOSPITALS WITH A CAPACITY OF MORE THAN SIXTY BEDS;

(ii) AT LEAST THREE ELEVATORS IN ALL HOSPITALS WITH A CAPACITY OF OVER TWO HUNDRED BEDS ON OTHER THAN THE GROUND LEVEL.

(b) A GREATER NUMBER OF ELEVATORS MAY BE REQUIRED BECAUSE OF THE HOSPITAL PLAN, VOLUME OF VISITOR TRAFFIC, AND FOOD AND SUPPLY DISTRIBUTION SYSTEM.²⁴

(c) SIZE OF REQUIRED PATIENT TRANSPORT ELEVATORS: AT LEAST ONE ELEVATOR OF FIVE FOOT FOUR INCH WIDTH BY EIGHT FEET SIX INCHES LENGTH INSIDE DIMENSIONS WITH DOOR OPENING OF FOUR FEET. In alteration projects where the elevator shaft is existing, elevators of lesser inside dimensions may be permitted.

(3) STAIRWAYS, RAMPS, CORRIDORS, AND AISLES.

(a) STAIRWAYS AND RAMPS.

(i) NONSKID SURFACES.

(ii) HANDRAILS ON BOTH SIDES.

(iii) ADEQUATE GUARDRAILS AND OTHER SAFETY DEVICES ON ALL STAIRWELLS AND RAMPS.

(iv) SLOPE OF RAMPS USED FOR PATIENTS NOT TO EXCEED ONE IN TWELVE.

SLOPE OF RAMPS IN SERVICE AREAS NOT TO EXCEED ONE IN TEN.

(b) CORRIDORS.

(i) A CORRIDOR SYSTEM ESTABLISHED THROUGHOUT HOSPITAL. CORRIDORS SHALL PROVIDE A METHOD OF TRAFFIC CIRCULATION DESIGNED FOR PATIENT PRIVACY, TO PREVENT THROUGH TRAFFIC IN EXAMINATION, OBSERVATION, TREATMENT, AND DIAGNOSTIC AREAS.

(ii) CORRIDORS AT LEAST EIGHT FOOT ZERO INCHES WIDE WITH NO RESTRICTION MORE THAN SEVEN INCH TOTAL. EXISTING SEVEN FOOT ZERO INCH CORRIDORS ACCEPTABLE FOR ALTERATION PROJECTS. FIVE FOOT ZERO INCH MINIMUM CORRIDOR WIDTH FOR AMBULATORY PATIENT TRAFFIC WITHIN A SINGLE DEPARTMENT; FOUR FOOT ZERO INCH MINIMUM CORRIDOR FOR NONPATIENT AREAS AND DEPARTMENTS PROVIDED THERE IS A FIVE-BY-FIVE FOOT TURNAROUND AT LEAST EVERY SEVENTY-FIVE FEET.

(iii) HANDRAILS BOTH SIDES OF CORRIDORS USED BY PATIENTS ON REHABILITATION NURSING UNITS, NURSING HOME UNITS, AND OTHER LONG-TERM CARE NURSING UNITS.

(iv) DOORS, EXCEPT THOSE TO SMALL UNOCCUPIED SPACES, SHALL NOT SWING INTO REQUIRED CORRIDOR WIDTH.

(c) AISLES.

SUFFICIENTLY WIDE TO ALLOW FOR UNIMPEDED MOVEMENT OF EQUIPMENT AND PERSONNEL.

(4) DOORS, WINDOWS, AND SCREENS.

(a) DOORS.

(i) FOUR FOOT ZERO INCH MINIMUM WIDTH IN OPERATING ROOM, DELIVERY ROOM, BIRTHING ROOM, RECOVERY ROOM, MAJOR EMERGENCY TREATMENT ROOM, FRACTURE ROOM, X-RAY ROOM, COMPUTERIZED AXIAL TOMOGRAPHY ROOMS, TO ALL TYPES OF INTENSIVE CARE UNITS AND TREATMENT ROOMS IN INTENSIVE CARE.

(ii) THREE FOOT TEN INCH MINIMUM WIDTH FOR PATIENT ROOMS, NEWBORN NURSERIES, ULTRASOUND ROOMS, NUCLEAR MEDICINE TREATMENT ROOMS, PHYSICAL THERAPY TREATMENT ROOMS, HORIZONTAL EXITS, AND OTHER DOORS THROUGH WHICH PATIENTS ARE TRANSPORTED IN STRETCHERS OR BEDS. Four foot zero inch doors recommended.

(iii) EXISTING THREE FOOT EIGHT INCH DOORS ACCEPTABLE IN ALTERATIONS EXCEPT IN ALTERATIONS OF OPERATING ROOMS, MAJOR EMERGENCY TREATMENT ROOMS, DELIVERY ROOMS, RECOVERY ROOMS, INTENSIVE CARE ROOMS, FRACTURE ROOMS OR X-RAY.

(iv) THREE FOOT ZERO INCH MINIMUM WIDTH FOR ALL DOORS WHICH MAY BE USED BY PERSONS IN WHEELCHAIRS INCLUDING PATIENT TOILETS AND BATHROOMS EXCEPT DOORS TO TOILETS AND BATHROOMS WHICH OPEN INTO PATIENT ROOMS SHALL BE NOT LESS THAN TWO FOOT SIX INCHES IN WIDTH.

(v) Doors to toilets adjoining patient rooms should not swing into toilet rooms.

(vi) Adequate width for receiving entrance doors, storeroom doors, and other doors through which large carts or bulk goods are transported.

(vii) VISION PANELS IN ALL DOUBLE-ACTING DOORS. Four inches wide by twenty-four inches high recommended.

(b) WINDOWS.

(i) REQUIRED IN PATIENT ROOMS EXCEPT LABOR ROOMS AND NURSERIES.

(ii) REQUIRED WINDOWS TO HAVE CLEAR GLASS AREA OF AT LEAST ONE-TENTH FLOOR AREA.

(iii) REQUIRED WINDOWS TO BE LOCATED IN OUTSIDE WALLS PERMITTING A SATISFACTORY AMOUNT OF UNOBSTRUCTED NATURAL LIGHT. No required windows should be located within twenty feet of another building or the opposite wall of a court or within ten feet of a property line except a street.

(iv) WINDOW SILLS OF REQUIRED WINDOWS IN PATIENT ROOMS NO HIGHER THAN THREE FOOT ZERO INCHES FROM THE FLOOR. GRADE³⁷ ADJACENT TO REQUIRED WINDOWS IN PATIENT ROOMS TO BE BELOW WINDOW SILL.

(c) SCREENS.

SIXTEEN MESH SCREEN OR EQUAL ON WINDOW OPENINGS WHICH SERVE FOR REQUIRED VENTILATION.

(5) FLOOR FINISHES, WALL SURFACES, AND CEILINGS.

(a) FLOOR FINISHES:

(i) EASILY CLEANED AND SUITABLE TO THE FUNCTIONS OF EACH AREA.

(ii) NONSLIP AT ENTRANCES AND OTHER AREAS SUBJECT TO TRAFFIC OR USE WHILE WET.

(iii) COVED BASES INTEGRAL WITH FLOORS OR TOPSET BASE TIGHT TO FLOORS AND WALLS.

(iv) ELECTRICALLY CONDUCTIVE IN AREAS WHERE FLAMMABLE ANESTHETIC GASES ARE TO BE USED PER NATIONAL FIRE PROTECTION ASSOCIATION (NFPA), 99. SEE WAC 248-18-99902(1).

(v) SPECIFICATIONS FOR CARPETING IN NONPATIENT-OCCUPIED AREAS:

(A) PILE YARN FIBER: FIBER WHICH MEETS THE STANDARDS OF THE STATE FIRE MARSHAL (See RCW 70-.41.080) SHALL BE ACCEPTABLE PROVIDED THE FIBER IS EASILY CLEANABLE.

(B) PILE TUFTS PER SQUARE INCH: MINIMUM SIXTY-FOUR OR EQUIVALENT DENSITY.

(C) PILE HEIGHT: FROM A MINIMUM OF .125 INCHES TO A MAXIMUM OF .312 INCHES.

(D) PAD: MAY BE SEPARATE PAD.

(vi) SPECIFICATIONS FOR CARPETING IN PATIENT-OCCUPIED AREAS:

(A) PILE YARN FIBER: FIBERS WHICH MEET THE STANDARDS OF THE STATE FIRE MARSHAL (See RCW 70-.41.080) SHALL BE ACCEPTABLE PROVIDED THE FIBER IS EASILY CLEANABLE.

(B) PILE TYPE: ROUND LOOP.

(C) PILE TUFTS PER SQUARE INCH: MINIMUM SIXTY-FOUR OR EQUIVALENT DENSITY.

(D) PILE HEIGHT: LEVEL PILE, FROM A MINIMUM OF .125 INCHES TO A MAXIMUM OF .255 INCHES.

(E) BACKING: SHALL BE WATER IMPERVIOUS OR A WATER IMPERVIOUS PAD SHALL BE PERMANENTLY BONDED TO THE BACKING.

(vii) INSTALLATION OF CARPET MATERIAL:

(A) BONDED PAD CARPET MUST BE CEMENTED TO THE FLOOR WITH WATERPROOF CEMENT.

(B) EDGES OF CARPET MUST BE COVERED AND COVE OR BASE SHOE USED AT ALL WALL JUNCTURES. IF BROADLOOM CARPET IS USED, SEAMS ARE TO BE BONDED TOGETHER WITH MANUFACTURER RECOMMENDED CEMENT.

(C) SAFETY OF PATIENTS OR OCCUPANTS IS TO BE ASSURED DURING INSTALLATION. ROOMS MUST BE WELL-VENTILATED AND NOT BE USED BY RESIDENT OCCUPANTS OR PATIENTS DURING INSTALLATION. THE ROOM MAY NOT BE RETURNED TO USE UNTIL THE ROOM IS FREE OF VOLATILE FUMES AND ODORS FROM ADHESIVES.

(b) WALL SURFACES:

(i) EASILY CLEANED AND SUITABLE TO THE FUNCTIONS OF EACH AREA.

(ii) SMOOTH AND WASHABLE FINISH, (e.g., washable paint on smooth finish plaster or gypsum board as opposed to rough or exposed masonry finishes) IN ROOMS USED FOR PATIENT CARE OR TREATMENT AND ROOMS IN WHICH SUPPLIES AND EQUIPMENT FOR PATIENT CARE OR TREATMENT ARE STORED, ASSEMBLED OR PROCESSED, AND IN CLINICAL LABORATORIES.

(iii) A FINISH WHICH WILL MINIMIZE GLARE IN PATIENT ROOMS AND LABOR ROOMS.

(iv) A WATERPROOF PAINTED, GLAZED, OR SIMILAR WATERPROOF FINISH EXTENDING ABOVE THE SPLASH LINE IN ALL ROOMS OR AREAS THAT ARE SUBJECT TO SPLASH OR SPRAY.

(v) Wainscot of five feet minimum height of a durable surface in operating rooms, delivery rooms, emergency rooms, treatment rooms, and corridors.

(vi) External angles protected by corner guards to resist impact in areas of heavy traffic.

(c) CEILINGS:

(i) EIGHT FOOT MINIMUM HEIGHT, EXCEPTIONS MAY BE PERMITTED IN MINOR AUXILIARY ROOMS.

(ii) NINE FOOT MINIMUM HEIGHT IN OPERATING ROOMS, DELIVERY ROOMS, AND SIMILAR ROOMS HAVING SPECIAL CEILING-MOUNTED LIGHT FIXTURES. Higher ceilings may be needed for some types of equipment.

(iii) EASILY CLEANED AND SUITABLE TO THE FUNCTIONS OF EACH AREA.

(iv) SMOOTH AND WASHABLE FINISH, (e.g., washable paint on smooth finish plaster or gypsum board as opposed to fissured tile or rough finishes) IN ROOMS USED FOR PATIENT CARE OR TREATMENT, AND IN ROOMS IN WHICH SUPPLIES AND EQUIPMENT FOR PATIENT CARE OR TREATMENT ARE STORED, ASSEMBLED OR PROCESSED, AND CLINICAL LABORATORIES. NO EXPOSED DUCTWORK AND PIPING.

(v) SMOOTH AND WASHABLE FINISH WITHOUT VISIBLE JOINTS OR CREVICES IN AREAS WHERE SURGICAL ASEPSIS MUST BE ASSURED SUCH AS OPERATING ROOMS, DELIVERY ROOMS, AND EMERGENCY TREATMENT ROOMS.

(vi) A FINISH WHICH WILL MINIMIZE GLARE IN PATIENT ROOMS, LABOR ROOMS, AND BIRTHING ROOMS.

(vii) FINISH THAT MINIMIZES REFLECTION OF ULTRAVIOLET RADIATION IN TUBERCULOSIS ISOLATION ROOMS.

(viii) CEILINGS OF PATIENT ROOMS IN PSYCHIATRIC NURSING UNITS, SECURITY, AND SECLUSION ROOMS SHALL BE OF MONOLITHIC OR BONDED CONSTRUCTION.

(ix) Sound-absorptive treatment in corridors of patient areas, nurses' stations, dining rooms, and hydrotherapy rooms.

(6) PLUMBING AND SEWERAGE.

(a) PLUMBING AND SEWERAGE. CONSTRUCTED IN ACCORDANCE WITH THE UNIFORM PLUMBING CODE, OR EQUIVALENT LOCAL CODE. SEE WAC 248-18-99902(3).

(b) WATER SUPPLY.

(i) AN ADEQUATE WATER SUPPLY WHICH CONFORMS TO THE QUALITY STANDARDS OF CHAPTER 248-54 WAC.

(ii) TEMPERATURE OF HOT WATER AT BATHING FIXTURES THERMOSTATICALLY CONTROLLED NOT TO EXCEED ONE HUNDRED TWENTY DEGREES FAHRENHEIT.

(iii) THERMOSTATICALLY CONTROLLED HOT WATER HEATING EQUIPMENT OF SUFFICIENT CAPACITY TO SUPPLY SIX AND ONE-HALF GALLONS OF ONE HUNDRED TWENTY DEGREE FAHRENHEIT WATER PER HOUR PER BED FOR GENERAL USE, MEASURED AT POINT OF USE. AN ADEQUATE AMOUNT OF WATER AT NOT LESS THAN ONE HUNDRED SIXTY DEGREES FAHRENHEIT FOR LAUNDRY, MECHANICAL DISHWASHERS, AND OTHER SPECIAL MECHANICAL WASHERS. TEMPERATURE MEASURED AT POINT OF USE.

(iv) CIRCULATING SYSTEMS AS NECESSARY TO ENSURE A READY SUPPLY OF HOT WATER AT FIXTURES.

(c) INSULATION.

(i) HOT WATER PIPING INSULATED AS REQUIRED TO CONTROL EXCESSIVE HEAT TRANSFER AND TO PROVIDE FOR SAFETY.

(ii) COLD WATER AND DRAINAGE PIPING INSULATED AS REQUIRED TO CONTROL CONDENSATION.

(iii) AVOID EXPOSING PIPING TO FREEZING TEMPERATURES. IF UNAVOIDABLE, DESIGN TO PREVENT FREEZING.

(d) SEWERAGE.

(i) SEWAGE DISPOSAL SYSTEM IN CONFORMANCE WITH ((WAC 248-50-100 AND)) CHAPTER 248-92 OR 248-96 WAC CODIFIED RULES, REGULATIONS AND STANDARDS OF THE STATE BOARD OF HEALTH.

(ii) FLOOR DRAINS IN AREAS WITHOUT DAILY WASH-DOWN SHALL HAVE TRAP PRIMERS.²⁴

(e) PLUMBING FIXTURES.

(i) Bedpan lugs or slot fixtures on water closets not recommended.

(ii) DESIGNED AND INSTALLED TO BE EASILY CLEANED, MAINTAINED, AND SUITABLE TO THE INTENDED USE.²⁴ ADEQUATE SUPPORT FOR FIXTURES.

(iii) LAVATORIES PROVIDED IN EACH TOILET ROOM EXCEPT WHERE PROVIDED IN CONNECTING PATIENT ROOM, DRESSING ROOM, OR LOCKER ROOM.

(iv) DRINKING FOUNTAINS OR EQUIVALENT AT SUITABLE LOCATIONS.²⁴

(v) SINKS IN WHICH UTENSILS AND EQUIPMENT ARE TERMINALLY CLEANED TO BE DOUBLE COMPARTMENT OF ADEQUATE SIZE AND DEPTH (Recommended each compartment 20 x 22 x 14 or similar) WITH ADEQUATE COUNTER SPACE ON BOTH SIDES.²⁴

(vi) EACH FIXTURE, EXCEPT WATER CLOSETS AND SPECIAL USE FIXTURES, PROVIDED WITH HOT AND COLD WATER THROUGH A MIXING OUTLET.

(vii) DEVICES TO PREVENT BACKFLOW ON WATER SUPPLY TO FIXTURES OR GROUP OF FIXTURES WHERE THE USE OF EXTENSION HOSES AND TUBE CLEANING EQUIPMENT IS ANTICIPATED, (e.g., sinks in laboratory, central service, garbage can wash area, and housekeeping facilities and mechanical areas). Also refer to chapter 248-54 WAC.

(viii) NONSKID FLOOR SURFACES IN TUBS AND SHOWERS.

(f) FITTINGS.

(i) WRIST, KNEE, OR FOOT FAUCET CONTROLS AND GOOSENECK SPOUTS OR THE EQUIVALENT ON LAVATORIES IN PATIENT ROOMS AND IN TOILETS ADJOINING PATIENT ROOMS EXCEPT THOSE FOR PSYCHIATRIC PATIENTS TO BE IN ACCORDANCE WITH PROGRAM REQUIREMENTS.

(ii) WRIST, KNEE, OR FOOT FAUCET CONTROLS AND GOOSENECK SPOUTS OR THE EQUIVALENT⁴¹ ON ALL LAVATORIES AND SINKS FOR PERSONNEL USE WHERE REQUIRED TO CONTROL CROSS INFECTION, (e.g., nursing service areas including isolation rooms, laboratory, and physical therapy), UNLESS THE FIXTURE IS USED FOR SOILED FUNCTIONS ONLY AND ANOTHER SINK OR LAVATORY WITH WRIST, KNEE, OR FOOT CONTROLS OR EQUIVALENT⁴¹ IS LOCATED IN THE SAME AREA OF THE ROOM. FAUCET CONTROLS ON LAVATORIES IN NEWBORN NURSERY UNITS, NEONATAL INTENSIVE CARE UNITS, BIRTHING ROOMS, AND ALL SCRUB SINKS TO BE KNEE OR FOOT CONTROLS OR EQUIVALENT.⁴¹ Wrist blades permitted at lavatory when handwashing facility with foot, knee, or equivalent faucet control is located close to birthing room or rooms.

(iii) WRIST CONTROLS TO HAVE A MINIMUM OF FOUR INCH SPACE BETWEEN BACK SPLASH AND ENDS OF CONTROLS AT FULL CLOSED POSITION AND A MINIMUM OF FOUR INCH SPACE BETWEEN THE END OF CONTROLS AND THE WATER SPOUT IN THE FULL OPEN POSITION.

(g) ACCESSORIES.

(i) BACKING FOR MOUNTING TO SUPPORT THE INTENDED USE OF ALL ACCESSORIES.

(ii) SUITABLE SHELF OR EQUIVALENT, AND MIRROR AT EACH LAVATORY IN TOILET ROOMS, PATIENT ROOMS, BIRTHING ROOMS, DRESSING ROOMS, AND LOCKER ROOMS.

(iii) TOWEL BAR OR HOOK AT EACH BATHING FACILITY. Optional in psychiatric unit.²⁴

(iv) ROBE HOOK AT EACH BATHING FACILITY, WATER CLOSET, DRESSING ROOM, AND EXAMINATION ROOM. Optional in psychiatric unit.²⁴

(v) TOILET PAPER HOLDER PROPERLY LOCATED AT EACH WATER CLOSET.

(vi) WHEN PROGRAM INCLUDES BEDPAN BRUSHES, PROVISION FOR KEEPING BEDPAN BRUSH OFF THE FLOOR.

(vii) PROVISION FOR OFF THE FLOOR PLACEMENT OF SUPPLIES AND EQUIPMENT IN PATIENT TOILETS. THIS PROVISION SHALL BE SEPARATE AND DISTINCT FROM LAVATORY SHELF.

(viii) AT LEAST ONE GRAB BAR OF SUITABLE STRENGTH, EASILY CLEANABLE, RESISTANT TO CORROSION, AND FUNCTIONAL DESIGN SECURELY MOUNTED AND PROPERLY LOCATED AT EACH ISLAND TUB AND WATER CLOSET FOR PATIENTS. Horizontal grab bars should extend at least eighteen inches in front of water closet. WHEN A LAVATORY IS LOCATED ADJACENT TO A WATER CLOSET AND WITHIN EIGHTEEN INCHES OF THE CENTER LINE OF THE WATER CLOSET, IT SHALL BE MOUNTED TO SUPPORT A THREE HUNDRED POUND LIVE LOAD WITHOUT PERMANENT DEFLECTION. GRAB BAR OR BARS OF SUITABLE STRENGTH, EASILY CLEANABLE, RESISTANT TO CORROSION, OF FUNCTIONAL DESIGN, SECURELY MOUNTED, AND PROPERLY LOCATED AT EACH STANDARD BATHTUB AND SHOWER ON TWO SIDES. May be omitted at water closets and bathing facilities for seclusion and security rooms.

(ix) DISPENSERS FOR SINGLE USE TOWELS AT ALL LAVATORIES AND SINKS MOUNTED TO AVOID CONTAMINATION FROM SPLASH AND SPRAY.

(x) SUITABLE PROVISION FOR SOAP AT EACH LAVATORY, SINK, AND BATHING FACILITY.

(xi) Paper cup dispensers at all lavatories except in soiled areas, lavatories in patient rooms, and toilet rooms adjoining patient rooms.

(xii) Properly located dispenser for seat covers at each water closet.

(xiii) Sanitary napkin dispenser and disposer or covered waste container (step-on-can) in each women's toilet room except inpatient toilets.

(iv) NONFLAMMABLE MEDICAL GAS SYSTEMS IN ACCORDANCE WITH THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) STANDARD 56F. SEE WAC 248-18-99902(4).

(i) Clinical vacuum (suction) systems in accordance with the recommendations of Compressed Gas Association, Inc., Pamphlet Number P-2.1, except the zone valves may be omitted. See WAC 248-18-99902(11).

(7) HEATING. Recommend use of ASHRAE Handbook series. See WAC 248-18-99902(2).

(a) A HEATING SYSTEM ADEQUATE TO MAINTAIN SEVENTY-FIVE DEGREES FAHRENHEIT MINIMUM TEMPERATURE IN EACH ROOM AND OCCUPIED SPACE.

(b) HEAT SUPPLY FOR EACH PATIENT ROOM PROVIDED WITH INDIVIDUAL THERMOSTATIC CONTROL. Manual or zone control acceptable for existing facility alteration projects. Individual room thermostatic control recommended for all rooms. HEATING SYSTEM SUITABLY ZONED (e.g., by exposure and usage of areas) AND THERMOSTATICALLY CONTROLLED UNLESS INDIVIDUAL ROOMS THERMOSTATICALLY CONTROLLED.

(c) Standby heat supply to operating rooms, delivery rooms, birthing rooms, recovery rooms, nurseries, all intensive care units, and other selected areas so that they may be heated at times when the general building heating system is not operating.

(d) PIPING THROUGHOUT BUILDING INSULATED AS REQUIRED TO CONTROL EXCESSIVE HEAT TRANSFER AND TO PROVIDE FOR SAFETY.

(8) VENTILATION AND AIR CONDITIONING. USE ASHRAE HANDBOOK SERIES REFERRED TO IN WAC 248-18-99902(2).

(a) ALL ROOMS AND AREAS ADEQUATELY VENTILATED BY MECHANICAL MEANS. (Refer to Table B) DESIGN OF SYSTEM TO PREHEAT COLD OUTSIDE AIR MAKEUP. Gravity acceptable for gas storage rooms, mechanical rooms, and similar areas.

(b) Approved recovery systems to reclaim heat from exhausts are recommended for energy conservation. DESIGN AND INSTALLATION OF HEAT RECOVERY EQUIPMENT TO CONTROL CROSS CONTAMINATION.

(c) ALL FANS SERVING EXHAUST SYSTEMS SHALL BE LOCATED AT THE DISCHARGE END OF THE SYSTEM OR THE SYSTEMS DESIGNED TO PREVENT LEAKAGE TO OCCUPIED AREAS.

(d) DESIGN OF AIR DISTRIBUTION AND BALANCING OF AIR SYSTEMS: TO MAINTAIN APPROPRIATE PRESSURE GRADIENTS AMONG ADJOINING ROOMS AND AREAS TO CONTROL AIR FLOWS IN ACCORDANCE WITH THE RELATIVE DEGREE OF PROTECTION REQUIRED FROM THE SPREAD OF ODORS, MOISTURE, TOBACCO SMOKE, AND CONTAMINANTS, i.e., flow from relatively clean areas to relatively soiled areas. Refer to Table B. Balance for appropriate positive and negative gradients should be evaluated by measuring proper direction of air flow at each doorway by smoke indicator. Designs should be based on anticipated leakage at each door. (Fifty CFM minimum to one hundred CFM maximum for usual room door.)

(e) EXHAUST HOODS OR OTHER APPROVED EXHAUST DEVICES.

(i) LOCATED OVER EQUIPMENT LIKELY TO PRODUCE EXCESSIVE HEAT, MOISTURE, ODORS, OR CONTAMINANTS, (e.g., kitchen, laundry, sterilizing and dishwashing equipment, laboratory and special work areas) PROPERLY DESIGNED FOR INTENDED USE.

(ii) LABORATORY HOODS WHERE INFECTIOUS MATERIALS ARE HANDLED. See WAC 248-18-99902(7) for recommended publications.

(A) MINIMUM FACE VELOCITY OF SEVENTY-FIVE FEET PER MINUTE AT MAXIMUM OPERATING LEVEL OF SASH.

(B) SERVED BY INDEPENDENT EXHAUST SYSTEM WITH THE EXHAUST FAN LOCATED AT THE DISCHARGE END OF THE DUCT.

(C) DUCT TO HAVE WELDED JOINTS OR EQUIVALENT FROM THE HOOD TO FILTER ENCLOSURE.

(D) FILTERS WITH 99.97 PERCENT EFFICIENCY (DIOC-TYL-PHTHALATE, (DOP), TEST METHOD) IN THE EXHAUST STREAM.

(E) DESIGNED AND EQUIPPED TO PERMIT THE SAFE REMOVAL OF CONTAMINATED FILTERS.

(F) CHEMICAL FUME HOODS SHALL NOT BE USED FOR HANDLING INFECTIOUS MATERIALS.

(iii) LABORATORY HOODS WHERE STRONG OXIDIZING AGENTS, (e.g., perchloric acid), ARE PROCESSED.

(A) MINIMUM FACE VELOCITY OF ONE HUNDRED FEET PER MINUTE AT MAXIMUM OPERATING LEVEL OF SASH.

(B) SERVED BY INDEPENDENT EXHAUST SYSTEM WITH EXPLOSION PROOF EXHAUST FAN AT THE DISCHARGE END OF THE DUCT.

(C) DUCT OF WELDED STAINLESS STEEL OR EQUIVALENT THROUGHOUT THE EXHAUST SYSTEM.

(D) HOOD AND EXHAUST DUCT SYSTEM EQUIPPED WITH COMPLETE COVERAGE WASHDOWN FACILITIES.

(iv) HOODS WHERE RADIOACTIVE PARTICULATE AEROSOLS MAY BE RELEASED.

(A) MINIMUM FACE VELOCITY OF ONE HUNDRED FEET PER MINUTE AT MAXIMUM OPERATING LEVEL OF SASH.

(B) SERVED BY INDEPENDENT EXHAUST SYSTEM WITH THE EXHAUST FAN AT THE DISCHARGE END OF THE DUCT.

(C) DUCT TO HAVE WELDED JOINTS OR EQUIVALENT FROM THE HOOD TO THE FILTER ENCLOSURE.

(D) FILTERS WITH 99.97 PERCENT EFFICIENCY (DIOC-TYL-PHTHALATE, (DOP) TEST METHOD) IN THE EXHAUST STREAM.

(E) DESIGNED AND EQUIPPED FOR THE SAFE REMOVAL OF CONTAMINATED FILTERS.

(f) ALL CENTRAL VENTILATION OR AIR CONDITIONING SYSTEMS EQUIPPED WITH FILTERS.

(i) NUMBER OF FILTER BEDS AND FILTER EFFICIENCIES NO LESS THAN THOSE SPECIFIED IN TABLE A.

(ii) FILTER BED NO. 2 SHALL BE DOWNSTREAM OF THE LAST COMPONENT OF ANY CENTRAL AIR HANDLING UNIT, EXCEPT A STEAM INJECTION TYPE HUMIDIFIER MAY BE DOWNSTREAM OF FILTER BED NO. 2. TERMINAL COOLING COILS (EXCEPT INDUCTION UNITS, FAN COIL UNITS OR EQUIVALENT INDIVIDUAL ROOM UNITS (REFER TO SUBSECTION (8)(g) OF THIS SECTION) DOWNSTREAM OF FILTER BED NO. 2 SHALL HAVE ADDITIONAL

FILTRATION MEETING REQUIREMENTS OF FILTER BED NO. 2.

TABLE A

FILTER EFFICIENCIES FOR CENTRAL VENTILATION AND AIR CONDITIONING SYSTEMS IN GENERAL HOSPITALS

AREA DESIGNATION	FILTER EFFICIENCIES (Percent)***		
	MINIMUM NUMBER OF FILTER BEDS	FILTER BED NO. 1	FILTER BED NO. 2
Sensitive areas*	2	25	90****
Patient care, treatment Diagnostic, and related areas	2	25	90**
Food preparation areas and laundries	1	80	—
Administrative, bulk storage, and soiled holding areas	1	25	—

* Includes surgical suites, delivery suites, nursery units, recovery rooms, special procedure rooms (cardiac catheterizations), and all intensive care units. Birthing, labor, and postpartum rooms not within the delivery suite are excluded.

** May be reduced to eighty percent for systems using all-outdoor air.

*** PER REQUIREMENTS OF ASHRAE STANDARD 52 IN WAC 248-18-99902(14).

****99.97 PERCENT EFFICIENCY FOR RECIRCULATING AIR IN OPERATION ROOMS - REFERENCE TABLE B.

(iii) FILTER FRAMES WITH AIRTIGHT SEAL TO THE ENCLOSING DUCTWORK BY USE OF GASKETS OR EQUIVALENT.

(iv) A MANOMETER SHALL BE INSTALLED ACROSS EACH FILTER BED SERVING SENSITIVE AREAS (Refer to Table A) OR CENTRAL AIR SYSTEMS.

(g) NONCENTRAL SUPPLY VENTILATION SYSTEMS, i.e., fan coil units or equivalent individual room units.

(i) IN SENSITIVE AREAS (Refer to Table A) SHALL MEET THE FILTERING OBJECTIVES FOR CENTRAL SYSTEMS.

(ii) IN AREAS OTHER THAN SENSITIVE AREAS OUTDOOR AIR FOR INDIVIDUAL ROOM UNITS SHALL MEET FILTERING REQUIREMENTS FOR CENTRAL SYSTEMS UNDER TABLE A. RECIRCULATED AIR TO INDIVIDUAL ROOM UNITS NEED NOT BE FILTERED (lint screen and/or filter recommended).

(h) AIR HANDLING DUCT SYSTEMS.

(i) IN ACCORDANCE WITH NATIONAL FIRE PROTECTION ASSOCIATION 90A. SEE WAC 248-18-99902(5).

(ii) BUILDING CEILING SPACES USED FOR EXHAUST PLENUMS SHALL BE RESTRICTED TO ADMINISTRATIVE, PUBLIC WAITING, AND PUBLIC MEETING AREAS. May be permitted in other areas only upon written approval of such use by the department.

(iii) NONEROSIVE WEARING SURFACES ARE REQUIRED FOR FIBERGLASS SUPPLY DUCTS (PER UL STANDARDS 181-15 IN WAC 248-18-99902(9)) AND/OR "DUCT LINER APPLICATION STANDARD" PER SMACNA. SEE WAC 248-18-99902(10), IF INSTALLED.

(iv) NINETY PERCENT EFFICIENCY FILTERS DOWNSTREAM OF LININGS SERVING SENSITIVE AREAS (Refer to Table A) EXCEPT LINING OF TERMINAL UNITS MEETING THE REQUIREMENTS OF SUBSECTION (8)(h)(iii) of this section.

(i) AIR SUPPLY AND EXHAUSTS LOCATIONS CONFORM TO UNIFORM MECHANICAL CODE WITH ADDITIONAL REQUIREMENTS. SEE WAC 248-18-99902(8).

(i) AIR SUPPLY INTAKES LOCATED TO ENSURE A SOURCE OF FRESH AIR (preferably above the roof or high on an exterior wall to avoid sources of contamination or pollution).

(ii) EXHAUST AIR DISCHARGE LOCATED TO AVOID CROSS CIRCULATION TO SUPPLY AIR INTAKES OR OPERABLE WINDOWS. Separation distances dependent upon factors such as air volumes, wind directions, and building configurations.

(j) OPERATING ROOMS, DELIVERY ROOMS, NEWBORN NURSERY ROOMS, NEONATAL INTENSIVE CARE UNITS AND THEIR ANCILLARY FACILITIES MECHANICALLY

VENTILATED TO PROVIDE ONE HUNDRED PERCENT FRESH AIR WITHOUT RECIRCULATION EXCEPT AS PROVIDED IN TABLE B. Recommended for birthing rooms, labor rooms, recovery rooms, and all intensive care units. Refer to Table B.

(k) VENTILATION SYSTEMS FOR ANESTHETIZING LOCATIONS USING FLAMMABLE ANESTHETICS SHALL MEET THE REQUIREMENTS OF THE NATIONAL FIRE PROTECTION ASSOCIATION, (NFPA), 99. SEE WAC 248-18-99902(1).

(l) AIR CONDITIONING TO ADEQUATELY CONTROL TEMPERATURE, AIR CHANGES AND AIR MOTION OF OPERATING ROOMS, DELIVERY ROOMS, SPECIAL PROCEDURE ROOMS, RECOVERY ROOM, NEWBORN NURSERY FACILITIES, NEONATAL INTENSIVE CARE NURSERY ROOMS, INTENSIVE CARE, AND CARDIAC INTENSIVE CARE UNITS. Recommended in all patient care areas.

(m) RELATIVE HUMIDITY.

(i) OPERATING ROOMS, DELIVERY ROOMS, SPECIAL PROCEDURE ROOMS, ANESTHETIZING LOCATIONS, INTENSIVE CARE PATIENT ROOMS, AND RECOVERY ROOMS, FORTY PERCENT MINIMUM TO SIXTY PERCENT MAXIMUM AT SEVENTY-TWO DEGREES FAHRENHEIT.

(ii) NEWBORN NURSERY FACILITIES AND NEONATAL INTENSIVE CARE ROOMS, FORTY-FIVE PERCENT MINIMUM TO SIXTY PERCENT MAXIMUM AT SEVENTY-FIVE DEGREES FAHRENHEIT.

(n) FIRE SHUTDOWN, AS REQUIRED BY NATIONAL FIRE PROTECTION ASSOCIATION 90A, BY BOTH MANUAL CONTROL AND EITHER OF THE FOLLOWING OPTIONS FOR AUTOMATIC SHUTDOWN (SEE WAC 248-18-99902(5)):

(i) TOTAL SHUTDOWN BY AUTOMATIC CONTROLS FOR SOUNDING FIRE ALARM, CLOSING SMOKE DOORS AND SMOKE DAMPERS IN VENTILATION SYSTEM, AND SHUTTING DOWN SUPPLY FAN OR FANS AND EXHAUST FAN OR FANS.

(ii) SELECTIVE SHUTDOWN BY AUTOMATIC CONTROLS FOR SOUNDING FIRE ALARM, CLOSING SMOKE DOORS, AND ACTUATING ONLY SMOKE DAMPERS IN RECIRCULATION SYSTEM TO EXHAUST ALL RECIRCULATED AIR. ONLY THE SMOKE DETECTOR ON THE DOWNSTREAM SIDE OF THE LAST COMPONENT OF THE CENTRAL SUPPLY SYSTEM SHALL SHUT DOWN THE SUPPLY AND EXHAUST VENTILATION SYSTEMS AND SHALL CLOSE ALL SMOKE DAMPERS. This selective shutdown option is recommended for hospitals having multiventilation systems.

(o) VENTILATION REQUIREMENTS ARE SUMMARIZED IN TABLE B FOR TYPICAL HOSPITAL AREAS. THOSE AREAS NOT SPECIFICALLY DESIGNATED SHALL COMPLY WITH REQUIREMENTS FOR COMPARABLE AREAS.

TABLE B GENERAL PRESSURE RELATIONSHIPS AND VENTILATION⁶ OF CERTAIN HOSPITAL AREAS

AREA DESIGNATION	PRESSURE RELATIONSHIP TO ADJACENT AREAS ¹⁰	MINIMUM AIR CHANGES OF OUTDOOR AIR PER HOUR SUPPLIED TO ROOM	MINIMUM TOTAL AIR CHANGES PER HOUR SUPPLIED TO ROOM ⁸	ALL AIR EXHAUSTED DIRECTLY TO OUTDOORS	RECIRCULATED WITHIN ROOM UNITS
A. ANESTHETIZING AREAS					
1. Delivery and Operating Rooms	PP ¹	15	15 ⁵	Yes	No ⁹
2. Dental Operating Rooms	P	8	8	Yes	No
3. Endoscopy Room	P	8	8	Yes	No
4. Emergency Major Treatment Rooms	N	5	12	Yes	No
5. Outpatient Operating and/or Treatment Rooms	PP ¹	5	15 ⁴	Yes	No
6. Special Procedures Rooms (Cardiac Catheterizations)	PP ¹	12	12	Yes	No
B. CENTRAL SERVICE					
1. Cart Wash Room or Area	N	2	10	Yes	No
2. Clean & Sterile Storage Room	PP	2	2	Optional	No ³
3. Clean Work Room	P	2	4	Optional	No ³
4. Clean Equipment Storage Room	P	2	2	Optional	Optional
5. Decontamination Area or Room	NN	2	12	Yes	No
6. Sterilizer Access Service Room	NN	Optional	12	Yes	No
7. Sterilizing Area	P	2	4	Optional	No ³
C. GENERAL					
1. Administrative Areas: i.e., Offices, Admitting Facilities, Registration, Staff On-Call Rooms, etc.	P	2	2	Optional	Optional
2. Bathing and Wet Treatment Facilities: i.e., Showers, Tubs, Sitz Baths, Hydrotherapy.	N	2	10	Yes	No
3. Clean Facilities: Utility or Work Rooms, Medicine Preparation Areas, Holding and Storage Rooms.	P	2	4	Optional	No ³
4. Corridors, General Circulating.	P and N ²	2	2	Optional	Optional
5. Entrances	P	Optional	2	Optional	Optional
6. Housekeeping Facilities: i.e., Janitor Closets, Trash Chutes or Trash	N	Optional	10	Yes	No

AREA DESIGNATION	PRESSURE RELATIONSHIP TO ADJACENT AREAS ¹⁰	MINIMUM AIR CHANGES OF OUTDOOR AIR PER HOUR SUPPLIED TO ROOM	MINIMUM TOTAL AIR CHANGES PER HOUR SUPPLIED TO ROOM ⁸	ALL AIR EXHAUSTED DIRECTLY TO OUTDOORS	RECIRCULATED WITHIN ROOM UNITS
Storage Rooms					
7. Lounges, Locker & Dressing Rooms	N	Optional	10	Yes	No
8. Nurses Station & Unit Dose Medicine Cart Areas	P	2	4	Optional	Optional
9. Receiving & Stores Incl. Breakout Area	N	Optional	2	Optional	Optional
10. Scrub-up Area	P	2	2	Optional	No
11. Soiled Facilities: Utility or Work Rooms, Holding, Bedpan, Clean-up, Linen & Storage.	N	2	10	Yes	No
12. Toilet Rooms	N	Optional	10	Yes	No
13. Waiting Rooms, Conference, Solariums, Day Rooms, or Other Smoking Areas.	N	2	2	Yes	No
14. Mechanical Rooms	N	Optional	2	Yes	No
D. KITCHEN AND DIETARY					
1. Bulk Day Food Storage Room	E or P	Optional	2	Optional	Optional
2. Cafeteria or Dining Room	E or N	6	8	Optional	Optional
3. Dishwashing Room or Area	NN	4	8	Yes	No
4. Garbage Storage and Can Washing Area	NN	Optional	10	Yes	No
5. Kitchen	NN	4	8	Yes	No
E. LABORATORY					
1. Autopsy Room and Morgue	NN	2	12	Yes	No
2. Bacteriology	NN	2	12	Yes	No
3. Blood Drawing Area or Room	P	2	4	Optional	Optional
4. General Laboratory Rooms, i.e., Hematology, Pathology.	N	2	10	Yes	No
5. Media Preparation and Transfer Room	P	2	4	Optional	No
6. Decontamination Area	NN	2	12	Yes	No
F. LAUNDRY					
1. Clean Linen Storage	P	2	2	Optional	No ³
2. Clean Sorting, Folding & Ironing	P	2	6	Yes	No ³
3. Detergent & Supply Storage Room	N	Optional	2	Optional	Optional
4. Processing, Washing and Drying	P	4	10	Yes	No
5. Soiled Sorting and Storage	N	Optional	10	Yes	No
G. PATIENT CARE AREAS					
1. Acute Cardiac Care and Intensive Care Patient Rooms	PP	2	6 ⁴	Optional	No ^{3, 7}
2.a Birthing Room, High Risk ²⁴	P	6	6 ⁴	Optional	No ⁷
2.b Birthing Room, Low Risk ²⁴	P	2	2 ⁴	Optional	No ⁷
3. Examination Rooms	E or P	2	6	Optional	No ³
4. Electroencephalogram (EEG), Electromyogram (EMG), & Electrocardiogram (ECG or EKG)	E or P	2	6	Optional	Optional
5. Isolation Room, Airborne	NN	2	6	Yes	No ⁷
6. Isolation Room, Protective	P	4	4	Yes	No ⁷
7. Isolation Anteroom	NN	2	10	Yes	No ⁷
8. Isolation Room with Anteroom	Optional	2	6	Yes	No ⁷
9. Labor Room	E or P	2	2 ⁴	Optional	No ³
10. Neonatal Intensive Care Room	PP ¹	6	6 ⁵	Optional	No
11. Newborn Nursery Room	PP ¹	6	6 ⁵	Optional	No
12. Observation Rooms (Outpatient & Emergency Departments)	N	2	6	Yes	No
13. Patient Rooms	E or P	2	2 ⁴	Optional	Optional
14. Recovery Rooms	PP ¹	2	6 ⁴	Optional	No

AREA DESIGNATION	PRESSURE RELATIONSHIP TO ADJACENT AREAS ¹⁰	MINIMUM AIR CHANGES OF OUTDOOR AIR PER HOUR SUPPLIED TO ROOM	MINIMUM TOTAL AIR CHANGES PER HOUR SUPPLIED TO ROOM ⁸	ALL AIR EXHAUSTED DIRECTLY TO OUTDOORS	RECIRCULATED WITHIN ROOM UNITS
15. Physical Therapy Treatment Rooms	N	2	6	Optional	Optional
Hydrotherapy	N	2	10	Yes	No
16. Pulmonary & Inhalation Therapy Treatment Rooms	E or P	2	2	Yes	No
H. PHARMACY					
1. Compounding & Dispensing Areas	P	2	2	Optional	No ³
2. Intravenous Additive Room	PP	2	2	Optional	No ⁵
I. RADIOLOGY					
1. C.A.T., General & Ultrasound Rooms	E or P	2	6	Optional	Optional
2. Darkroom	N	2	6	Yes	No
3. Film Viewing & Storage Room	E	2	4	Optional	Optional
4. Fluoroscopy Rooms	N	2	6	Yes	No
5. Nuclear Diagnostic Rooms	E or N	2	4	Optional	Optional
6. Radiation Therapy Treatment Rooms	N	2	6	Yes	No
7. Special Procedures Rooms, i.e., Angiography, etc.	P	2	6	Optional	No

CODES

P = POSITIVE
N = NEGATIVE
E = EQUAL

PP = STRONGLY POSITIVE
NN = STRONGLY NEGATIVE

REFERENCE NOTATIONS:

- ¹ THE SEGREGATED SURGICAL, DELIVERY, COMBINED SURGICAL-DELIVERY SUITES, OTHER OPERATING ROOM SUITES, NEONATAL INTENSIVE CARE UNIT, AND THE NEWBORN NURSERY UNIT FACILITIES SHALL BE POSITIVE TO THE OUTSIDE CORRIDOR.
- ² GENERAL CIRCULATING CORRIDORS SHALL BE POSITIVE TO THE EXTERIOR, I.E., ELEVATORS, STAIRWELLS, EXIT DOORS, AND SHALL BE NEGATIVE TO PATIENT ROOMS.
- ³ Recirculating room induction type units meeting the appropriate filtering requirements in Table A, WAC 248-18-718 (8)(g)(ii) are acceptable.
- ⁴ Recommend one hundred percent fresh outdoor air supplied to room.
- ⁵ THESE ROOMS AND THEIR ANCILLARY FACILITIES SHALL BE SUPPLIED WITH ONE HUNDRED PERCENT OUTSIDE (FRESH) AIR.
- ⁶ Heat recovery systems should be utilized for exhaust air.
- ⁷ MAY BE VENTILATED BY TERMINAL REHEAT UNITS IF THE UNITS CONTAIN ONLY A REHEAT COIL AND ONLY THE PRIMARY AIR (SUPPLIED FROM A CENTRAL SYSTEM) PASSES THROUGH THE REHEAT COIL.
- ⁸ INCLUDES ONLY THE QUANTITIES OF AIR WHICH PASS THROUGH A FILTER BED LISTED IN TABLE A. DOES NOT INCLUDE THE QUANTITY OF SECONDARY AIR ENTERING AN INDUCTION UNIT.
- ⁹ UNIDIRECTIONAL FLOW RECIRCULATING AIR SYSTEMS CONTAINED WITHIN ROOM UNITS AND MEETING THE FILTERING REQUIREMENTS FOR SENSITIVE AREAS (TABLE A) MAY BE USED.
- ¹⁰ Balance for appropriate positive and negative gradients should be evaluated by measuring proper direction of air flow at each doorway by smoke indicator. Designs should be based on anticipated leakage at each door. (Fifty CFM minimum to one hundred CFM maximum for usual room door.)
- ¹² In accordance with program.

(9) INCINERATION FACILITIES.

- (a) May be omitted if another approved method of disposal is used.
- (b) INCINERATOR OF ADEQUATE SIZE AND DESIGN. LOCATED AND DESIGNED TO PREVENT OBJECTIONABLE HEAT, SMOKE, AND ODORS. (Separate room or outside area.)
- (c) SUPPLEMENTAL FUEL FIRED FOR COMPLETE COMBUSTION.
- (d) CHUTE-FED INCINERATORS NOT PERMITTED.
- (10) ELECTRICAL SYSTEMS AND EMERGENCY ELECTRICAL SERVICE.

(a) In addition to specific requirements of this section, codes adopted by the Washington state department of labor and industries should be consulted.

(b) ELECTRICAL SYSTEMS AND EQUIPMENT IN CONFORMANCE WITH NFPA, 99, (SEE WAC 248-18-99902(1)) IN AREAS WHERE INHALATION ANESTHETICS ARE TO BE USED (such as operating rooms, delivery rooms, and major emergency treatment rooms).

(c) RECEPTACLE OUTLETS AND CIRCUITS. Placement of convenient receptacle outlets to avoid a need for the use of extension cords.

(i) MINIMUM OF SIX RECEPTACLE OUTLETS IN OPERATING AND DELIVERY ROOMS; MINIMUM OF FOUR RECEPTACLE OUTLETS IN EMERGENCY TREATMENT ROOMS, BIRTHING ROOMS, ANESTHETIZING LOCATIONS, AND SPECIAL PROCEDURES ROOMS. At least one receptacle outlet on each available wall; ADDITIONAL AS REQUIRED.²⁴

(ii) AT LEAST TWO DUPLEX ELECTRICAL RECEPTACLES (OR EQUIVALENT) AT THE HEAD OF EACH BED, IN PATIENT ROOMS (INCLUDING LABOR, BIRTHING ROOMS, AND RECOVERY), three duplex receptacles at head of each bed recommended. ONE DUPLEX RECEPTACLE AT HEAD OF EACH BED IN PSYCHIATRIC UNITS.²⁴

(iii) FOUR DUPLEX ELECTRICAL RECEPTACLES (OR EQUIVALENT) AT THE HEAD OF EACH BED IN INTENSIVE

CARE⁴³ PATIENT ROOMS. AT LEAST SIX DUPLEX RECEPTACLES (OR EQUIVALENT)⁴² FOR EACH INFANT STATION IN NEONATAL INTENSIVE CARE UNITS.⁴³

(iv) AT LEAST ONE DUPLEX RECEPTACLE (OR EQUIVALENT)⁴² FOR EVERY TWO BASSINETS FOR FULL-TERM INFANTS.

(A) AT LEAST ONE INFANT STATION EQUIPPED WITH THREE DUPLEX RECEPTACLES except when premature nursery provided.

(B) AT LEAST TWO DUPLEX RECEPTACLES FOR EACH BASSINET AND INCUBATOR FOR PREMATURE INFANTS.

(v) CIRCUITS SERVING RECEPTACLES AT THE HEAD OF EACH BED IN ALL INTENSIVE CARE UNITS⁴³ SHALL SERVE NO OTHER RECEPTACLES OR OUTLETS.

(vi) LIMITED TO SIX DUPLEX RECEPTACLES PER TWENTY AMP CIRCUIT IN ALL PATIENT CARE AREAS, INCLUDING OUTPATIENT CARE AREAS. LIMITED TO THREE DUPLEX RECEPTACLES PER TWENTY AMP CIRCUIT SERVING PATIENT BEDS IN ALL INTENSIVE CARE UNITS.⁴³

(vii) AT LEAST ONE ADDITIONAL DUPLEX RECEPTACLE (OR EQUIVALENT)⁴² AT A SEPARATE CONVENIENT LOCATION IN EACH PATIENT ROOM (INCLUDING LABOR, RECOVERY, AND ALL INTENSIVE CARE ROOMS).⁴³ ADDITIONAL RECEPTACLE IF TELEVISION IS PROVIDED.

(viii) HOSPITAL GRADE RECEPTACLES IN RECOVERY ROOMS, OTHER THAN HAZARDOUS ANESTHETIZING LOCATIONS, AND ALL INTENSIVE CARE PATIENT ROOMS AND TREATMENT AREAS. Recommended in other patient care areas.

(ix) RECEPTACLES IN ROOMS USED BY PEDIATRIC OR PSYCHIATRIC PATIENTS SHALL BE A TAMPER-PROOF OR SAFETY TYPE DEVICE. RECEPTACLES IN PSYCHIATRIC SECLUSION AND SECURITY ROOMS PROTECTED BY GROUND FAULT CIRCUIT INTERRUPTERS AND TAMPER-PROOF SCREWS. Receptacles in seclusion rooms not recommended.

(x) ONE RECEPTACLE OVER OR ADJACENT TO LAVATORY FOR INPATIENT USE, PROTECTED BY GROUND FAULT CIRCUIT INTERRUPTER.

(xi) AT LEAST ONE DUPLEX RECEPTACLE (OR EQUIVALENT)⁴² PER FOUR LINEAR FEET OF COUNTER IN LABORATORY FACILITIES. SURFACE METAL RACEWAYS, IF USED, SHALL INCLUDE AN EQUIPMENT GROUNDING CONDUCTOR CONNECTED TO EACH RECEPTACLE.

(d) LIGHTING FIXTURES.

(i) NUMBER, TYPE, AND LOCATION OF LIGHTING FIXTURES TO PROVIDE ADEQUATE ILLUMINATION FOR THE FUNCTIONS OF EACH AREA PER IES HANDBOOK: APPLICATION VOLUME. SEE WAC 248-18-99902(12).

(ii) READING LIGHT⁶ CONVENIENTLY LOCATED FOR USE BY THE PATIENT AT EACH BED IN PATIENT ROOMS. CONTROL CONVENIENT FOR PATIENT USE. Freestanding bedside lamps not recommended.

(iii) SUITABLE LIGHT AT LAVATORIES IN PATIENT ROOMS AND PATIENT TOILET ROOMS. See "toilet" in IES Handbook: Application Volume, per WAC 248-18-99902(12).

(iv) NIGHT LIGHT FOR EACH BED LOCATED BELOW LEVEL OF BED TO DIMLY LIGHT PATHWAY IN ROOM. NIGHT LIGHTS OR EQUIVALENT LOCATED AT PROPER INTERVALS IN CORRIDOR CEILINGS OR WALLS IN NURSING UNITS. Additional night lights appropriately located in patient rooms installed to avoid discomfort to patients.²⁴

(v) SWITCHES FOR NIGHT LIGHTS AND GENERAL ILLUMINATION ADJACENT TO OPENING SIDE OF DOORS TO PATIENT ROOMS. SWITCHES LOCATED OUTSIDE PSYCHIATRIC PATIENT SECURITY AND SECLUSION ROOMS.

(vi) LIGHTING FIXTURES IN PSYCHIATRIC SECURITY AND SECLUSION ROOMS OF TAMPER-PROOF DESIGN. Recessed type recommended.

(e) BRANCH CIRCUIT PANELS FOR ROOMS IN ALL INTENSIVE CARE UNITS⁴³ TO BE LOCATED IN EACH PATIENT ROOM OR OTHER LOCATION WITHIN THE UNIT PROVIDING READY ACCESSIBILITY TO CIRCUIT BREAKERS FOR STAFF CARING FOR PATIENTS IN THESE ROOMS. CIRCUIT BREAKER AND/OR OUTLET COORDINATION APPROPRIATELY AND CLEARLY IDENTIFIED.

(f) EMERGENCY ELECTRICAL SERVICE. PER NFPA-70. SEE WAC 248-18-99902(13).

(g) Adequate filter protection for electrical generator or generators (e.g., protection from volcanic ash or dust storms).

(11) MISCELLANEOUS.

(a) FILM ILLUMINATORS. AT LEAST TWO X-RAY FILM ILLUMINATORS⁶ IN EACH OPERATING ROOM, NEONATAL INTENSIVE CARE UNIT, ONE IN EACH MAJOR EMERGENCY TREATMENT ROOM, and one in each delivery room.

(b) CALL SYSTEM.

(i) PROPERLY LOCATED ELECTRICAL SIGNALLING DEVICE AT THE HEAD OF EACH BED IN PATIENT ROOMS (INCLUDING LABOR ROOMS AND BIRTHING ROOMS), except optional in ambulatory psychiatric patient rooms, AT EACH WATER CLOSET AND BATHING FACILITY FOR PATIENTS, AT EACH TREATMENT AREA IN PHYSICAL THERAPY DEPARTMENTS, AT EACH PATIENT TREATMENT TABLE, CART, OR BED IN EMERGENCY DEPARTMENTS, and in each dayroom, solarium, dining room or rooms, recovery room, and patient dressing areas.⁵⁵

(ii) EACH CALL SIGNAL TO REGISTER BY LIGHT AT THE CORRIDOR DOOR, AND BY LIGHT AND AUDIBLE SIGNAL AT THE NURSES' STATION, AND AT OTHER NURSES' WORK STATIONS SUCH AS UTILITY ROOMS, MEDICATION ROOMS, NOURISHMENT ROOMS, and nurses' lounges. CALL SIGNALS INITIATED WITHIN OTHER DEPARTMENTS (such as x-ray and physical therapy) TO REGISTER AT THE CONTROL POINT OF EACH DEPARTMENT. SIGNALS FROM WATER CLOSETS AND BATHING FACILITIES TO HAVE DISTINCTIVE LIGHT (flashing lights) AND AUDIBLE SIGNAL.

(iii) MEDICAL EMERGENCY SIGNAL DEVICE FOR USE OF THE STAFF IN EACH PSYCHIATRIC PATIENT, ACTIVITY, SECURITY, AND SECLUSION ROOM; EACH OPERATING, DELIVERY, BIRTHING, AND NURSERY ROOM; RECOVERY ROOMS; EACH PATIENT AND TREATMENT ROOM IN ALL INTENSIVE CARE UNITS; IN EACH EMERGENCY TREATMENT, EXAMINATION, AND OBSERVATION ROOM. TO REGISTER BY DISTINCTIVE LIGHT AT THE CORRIDOR DOOR, BY DISTINCTIVE VISUAL AND AUDIBLE SIGNALS AT LOCATIONS FROM WHICH ADDITIONAL ASSISTANCE IS ALWAYS AVAILABLE; WHEN CORRIDOR LIGHT NOT VISIBLE FROM NURSES' STATION, ANNUNCIATOR OR EQUIVALENT SHALL IDENTIFY POINT OF ORIGIN. SIGNAL DEVICE TO BE RESET ONLY BY STAFF AT POINT OF ORIGIN.

(iv) A CALL SIGNAL FOR NIGHT USE SHALL BE PROVIDED AT LOCKED EMERGENCY ENTRANCES.

(c) TELEPHONES.

(i) ON EACH NURSING UNIT, SURGICAL SUITE, OBSTETRICAL DELIVERY SUITE, AND RECOVERY ROOM. ADDITIONAL TELEPHONES OR EXTENSIONS AS REQUIRED TO PROVIDE ADEQUATE COMMUNICATION (A MINIMUM OF ONE ON EACH FLOOR OF THE HOSPITAL).

(ii) PUBLIC TELEPHONE IN LOBBY.

(iii) Telephones or other similar means for two-way communication among departments of the hospital, including doctors' locker, and lounge in surgery and delivery suites.

(d) CLOCKS. May be battery powered, solid state type.

(i) WALL MOUNTED CLOCKS PROPERLY LOCATED IN OPERATING ROOMS, DELIVERY ROOMS, RECOVERY ROOMS, BIRTHING ROOMS, EMERGENCY TREATMENT ROOMS, NURSERIES, INTENSIVE CARE UNITS, AND LABORATORIES.

(ii) CLOCKS IN OPERATING ROOMS, DELIVERY ROOMS, RECOVERY ROOMS, EMERGENCY TREATMENT ROOMS, AND ALL INTENSIVE CARE UNITS TO HAVE SWEEP SECOND HANDS OR EQUIVALENT. Interval timers recommended.

(e) EQUIPMENT AND CASEWORK.

(i) DESIGNED, MANUFACTURED, AND INSTALLED FOR EASE OF PROPER CLEANING AND MAINTENANCE OF EQUIPMENT AND CASEWORK, AND SURROUNDING FLOOR AND WALLS.

(ii) DESIGN, MATERIALS, AND FINISHES SUITABLE TO THE FUNCTIONS OF EACH AREA.

(iii) EQUIPMENT FOR FOOD SERVICE FUNCTIONS TO MEET STANDARDS OF NATIONAL SANITATION FOUNDATION, OR EQUIVALENT. SEE WAC 248-18-99902(6).

(iv) ALL AUTOCLAVES TO HAVE RECORDING THERMOMETERS.

(f) Chutes.

(i) Linen chutes and trash chutes not recommended.

(ii) CHUTES DIRECTLY CONNECTED TO INCINERATORS NOT PERMITTED.

(iii) CYLINDRICAL DESIGN.

(iv) TWENTY-FOUR INCH MINIMUM DIAMETER.

(v) SMOOTH, WASHABLE INTERIOR FINISH, INCLUDING JOINTS.

(vi) SELF-CLOSING, TIGHT-FITTING ACCESS DOORS AT LEAST THIRTY INCHES FROM THE FLOOR.

(vii) ACCESS DOOR OR DOORS IN SEPARATE ENCLOSED ROOM OR ROOMS OR SEPARATE AREA OF SOILED UTILITY OR CLEAN-UP ROOM USED FOR SOILED FUNCTIONS ONLY OR OTHER SIMILAR ROOM.

(viii) CHUTES TO DISCHARGE INTO SEPARATE ENCLOSED TRASH AND SOILED LINEN COLLECTION ROOMS.

(A) FLOOR DRAINS EQUIPPED WITH TRAP PRIMERS IN TRASH AND SOILED LINEN COLLECTION ROOMS.

(B) HANDWASHING FACILITY IN OR ADJACENT TO SOILED LINEN COLLECTION ROOM IF THIS ROOM USED FOR SORTING SOILED LINEN.

(ix) CHUTES DESIGNED AND VENTILATED TO AVOID CONTAMINATION BY AIR FLOW FROM ACCESS DOORS WHEN OPENED.

(x) CHUTES PROVIDED WITH SUITABLE MEANS TO ADEQUATELY WASH ENTIRE LENGTH.

(g) HARDWARE.

(i) SELECTED TO SUIT THE FUNCTIONS OF EACH ROOM AND TO ENSURE EGRESS, QUIETNESS, AND SANITATION.

(ii) PATIENT ROOM DOORS DESIGNED TO HOLD AT FULL OPEN POSITION.

(iii) PROVISION FOR IMMEDIATE EMERGENCY ACCESS TO PATIENT ROOMS AND PATIENT TOILETS, SHOWERS, AND BATHROOMS.

(iv) HARDWARE OF EXTERIOR DOORS DESIGNED TO PREVENT ENTRY OF UNAUTHORIZED PERSONS.

(h) IDENTIFICATION OF DOORS, ROOMS, AND SPACES.²⁴

NOTES:

⁶ May be movable equipment.

²⁴ In accordance with program.

³⁷ See definition of "grade," WAC 248-18-001.

⁴¹ Equivalent when used in reference to faucet controls means a mechanism for operating without the use of hands, wrists, or arms.

⁴² Equivalent when used in reference to receptacle outlets means that two single receptacle outlets are considered to be equal to one duplex receptacle outlet.

⁴³ Refer to definitions of intensive care unit WAC 248-18-001(26), acute cardiac care unit WAC 248-18-001(3), and neonatal intensive care unit WAC 248-18-223 (1)(c) and (d), and 248-18-001(37).

⁴⁹ Compressed air is filtered air free of oil and other substances, particles, or contaminants.

⁵⁰ Equivalent for x-ray receptacle outlet or outlets refer to a battery-operated, self-contained x-ray machine.

⁵⁵ A PROPERLY LOCATED SIGNAL DEVICE WITHIN REACH OF STAFF, MOUNTED NO HIGHER THAN SIX FEET ABOVE THE FLOOR AND ACTIVATED BY A NONCONDUCTIVE PULL CORD AT WATER CLOSETS AND BATHING FACILITIES. AT BATHING FACILITIES, SIGNAL DEVICE CORD LOCATED FOR EASY GRASP BY PATIENT IN OR ON FLOOR BESIDE BATHING FACILITY. AT WATER CLOSET, SIGNAL DEVICE PULL CORD LOCATED FOR EASY GRASP BY PATIENT SLUMPED FORWARD ON WATER CLOSET OR ON FLOOR NEARBY.

AMENDATORY SECTION (Amending Order 119, filed 5/23/75)

WAC 248-18-999 LEGAL AUTHORITY OF THE ((STATE BOARD OF HEALTH)) DEPARTMENT. See RCW 70.41.030 ((section 3, chapter 267, Laws of 1955)).

AMENDATORY SECTION (Amending Order 218, filed 11/6/81)

WAC 248-21-002 DEFINITIONS. For the purposes of these regulations, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise.

(1) "Active volunteer" means unpaid ((worker(s))) worker or workers providing direct care to patients or clients and/or working with clinical records or confidential client information.

(2) "Adjunctive therapies" means those prescribed services provided by medically related disciplines which include but are not limited to physical therapy, occupational therapy, recreational therapy, music therapy, respiratory therapy.

(3) "Administrator" means an individual appointed as chief executive officer by the governing body of the center to act in its behalf in the overall management of the hospice care center.

(4) "Authenticated" or "authentication" means authorization of a written entry in a record or chart by means of a signature which shall include, minimally, first initial, last name, and title.

(5) "Bathing facility" means a bathtub, shower, or equivalent.

(6) "Bereavement care" means consultation, support, counseling, and follow-up of the client before and following the death of a patient.

(7) ((~~"Board" means the Washington state board of health.~~

(8)) "Client" means the patient and family which together compose the unit of care in the hospice care center.

((9)) (8) "Client education" means provision of information on physical care, disease symptomatology, palliative treatment, psychosocial coping skills, availability, and utilization of community resources.

((10)) (9) "Clinical record" means a file containing all pertinent clinical information about a particular patient(;) to include: Identifying information, data bases, assessment, individualized comprehensive care plan, diagnosis, treatment, progress notes, other clinical events, and a discharge summary.

((11)) (10) "Department" means the Washington state department of social and health services.

((12)) (11) "Dietitian" means a person who is eligible for membership in the American Dietetic Association.

((13)) (12) "Drug" means medication, chemical, device, or other material used in the diagnosis and/or treatment of injury, illness, or disease.

((14)) (13) "Drug administration" means an act in which a single dose of a prescribed drug or a biological is given to a patient by an authorized person in accordance with all laws and regulations governing such acts. The complete act of administration entails removing an individual dose from a previously dispensed, properly labeled container, verifying it with the order of the physician, giving the individual dose to the proper patient, and properly recording the time and dose given.

((15)) (14) "Drug dispensing" means an act entailing the interpretation of an order (prescription) for a drug or biological and, pursuant to that order(;) (prescription), proper selection, measuring, labeling, packaging, and issuance of the drug for a patient or for a service unit of the facility.

((16)) (15) "Family" means individuals, who need not be relatives, who are important to a patient and designated by that patient.

((17)) (16) "Governing body" means the individual or group legally responsible for the operation and maintenance of the hospice care center.

((18)) (17) "Grade" means the level of the ground adjacent to the building measured at required windows. The ground must be level or slope downward for a distance of at least ten feet from the wall of the building. From there the ground may slope upward not greater than an average of one foot vertical to two feet horizontal within a distance of eighteen feet from the building.

((19)) (18) "Hospice care center" means any building, facility, place, or equivalent organized, maintained, and operated specifically to provide beds, accommodations, facilities, and services over a continuous period of twenty-four hours or more for palliative care of two or more individuals, not related to the operator, who are diagnosed as being in the latter stages of an advanced disease which is expected to lead to death. Hospice care centers are specialized types of health care facilities which come within the scope of chapter 70.41 RCW, hospital licensing and regulation. Hospice care centers may be freestanding or separately licensed portions or areas of another type of health care facility: PROVIDED, That the hospice care center is under control and administered by a separate and autonomous governing body. Hospice care centers as used in this chapter(;) do not include hotels or similar places furnishing only food and lodging or similar domiciliary care; nor does it include clinics or physicians' offices where patients are not regularly kept as bed patients for twenty-four hours or more; nor does it include hospitals licensed pursuant to chapter 70.41 RCW which provide services in addition to or in combination with hospice care services; nor does it include nursing homes as defined and which come under the scope of chapter 18.51 RCW; nor does it include psychiatric hospitals, which come under the scope of chapter 71.12 RCW; nor any

other hospital(;) or institution specifically intended for use in the diagnosis and care of those suffering mental illness, mental retardation, convulsive disorders, or other abnormal mental conditions. Furthermore, nothing in this act or the rules and regulations adopted pursuant thereto(;) shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any hospital conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creeds or tenets of any well-recognized church or religious denomination.

((20)) (19) "Hospital" means any institution, place, building, or agency which provides accommodations, facilities, and services over a continuous period of twenty-four hours or more(;) for observation, diagnosis, or care(;) of two or more individuals not related to the operator who are suffering from illness, injury, deformity, or abnormality, or from any other condition for which obstetrical, medical, or surgical services would be appropriate for care or diagnosis. "Hospital," as used in this chapter, does not include hotels(;) or similar places furnishing only food and lodging(;) or simply domiciliary care; nor does it include clinics(;) or physicians' offices where patients are not regularly kept as bed patients for twenty-four hours or more; nor does it include nursing homes, as defined and which come under the scope of chapter 18.51 RCW; nor does it include maternity homes, which come under the scope of chapter 18.46 RCW; nor does it include psychiatric hospitals, which come within the scope of chapter 71.12 RCW; nor any other hospital(;) or institution specifically intended for use in the diagnosis and care of those suffering from mental illness, mental retardation, convulsive disorders, or other abnormal mental conditions. Furthermore, nothing in this chapter or the rules and regulations adopted pursuant thereto(;) shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any hospital conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well-recognized church or religious denominations.

((21)) (20) "Individualized care plan" means a written statement of care to be provided for a client based upon physical, psychosocial, spiritual assessment of the patient, and assessment of family as appropriate. This statement shall include short- and long-term goals, client education, discharge planning, and the name of the individual member of the interdisciplinary care team designated as responsible for implementation. This statement shall be developed with participation of clients as appropriate.

((22)) (21) "Interdisciplinary care team" means a group composed of the patient, the family, and professional care providers which may include, but is not limited to, required adjunctive therapists, registered nurses, nutritionists, spiritual advisors, pharmacists, physicians, mental health professionals, or social workers. "Core team" means those individuals required to provide services for clients within the hospice care center program and shall include a registered nurse, physician, medical director, social worker, spiritual consultant or advisor, and volunteer director.

((23)) (22) "Lavatory" means a plumbing fixture designed and equipped for handwashing purposes.

((24)) (23) "Licensed nurse" means a registered nurse under provisions of chapter 18.88 RCW or a licensed practical nurse under provisions of chapter 18.78 RCW.

((25)) (24) "Medical staff" means physicians and other medical practitioners appointed by the governing body to practice within the parameters of the medical staff bylaws of the hospice care center.

((26)) (25) "New construction" means any of the following started after promulgation of these rules and regulations:

(a) New ~~(building(s))~~ building or buildings to be used as part of the hospice care center;

(b) ~~(Addition(s))~~ Addition or additions to existing hospice care center to be used as part of the hospice care center;

(c) ~~(Alteration(s))~~ Alteration or alterations or ~~(modification(s))~~ modification or modifications other than minor ~~(alteration(s))~~ alteration or alterations to a hospice care center. "Minor ~~(alteration(s))~~ alteration or alterations" means any structural or functional modification within the existing center which does not change the approved use of the room or area. Minor alterations performed under this definition do not require prior approval of the department.

((27)) (26) "Palliative care" means activities, interventions, and interactions which are planned and executed to cause a lessening or reduction of physical, psychosocial and spiritual pain, and intended to ease without curing.

((28)) (27) "Patient" means the terminally ill individual.

((29)) (28) "Patient care coordinator" means a designated, qualified employee who is responsible for the organization, implementation, and evaluation of the individualized care plan of a patient.

((30)) (29) "Person" means any individual, firm, partnership, corporation, company, association or joint stock association, and the legal successor thereof.

((31)) (30) "Personnel" means individuals employed and receiving monetary payment from the hospice care center.

((32)) (31) "Pharmacist" means an individual who is licensed by the state board of pharmacy to engage in the practice of pharmacy under the provisions of chapter 18.64 RCW.

((33)) (32) "Physician" means an individual licensed under provisions of chapter 18.71 RCW, Physicians, or 18.57 RCW, Osteopathy—Osteopathic medicine and surgery.

((34)) (33) "Prescription" means a written or oral order for drugs issued by a medical practitioner, licensed in the state of Washington, in the course of his or her professional practice, as defined by Washington state statute, for a legitimate medical purpose (RCW 18.64.011(3)(a)).

((35)) (34) "Registered nurse" means an individual licensed under the provisions of the law regulating the practice of registered nursing in the state of Washington, chapter 18.88 RCW.

((36)) (35) "Scheduled drug" means those substances or immediate precursors listed in Schedules I through V, Article II, RCW 69.50.201, State Uniform Substance Act, now or ~~(is)~~ as hereafter amended.

((37)) (36) "Self-administration" means those instances when a patient or member of the client family administer a medication from a properly labeled container while on the premises of the hospice care center.

((38)) (37) "Shall" means compliance when the regulation is mandatory.

((39)) (38) "Should" means compliance with the regulation or rule is suggested or recommended but not required.

((40)) (39) "Social worker" means an individual with a masters degree in social work from an accredited school of social work or an individual eligible for membership in the academy of certified social workers.

((41)) (40) "Staff" means those individuals providing services within the hospice care center. These individuals may be paid or unpaid and shall be designated as medical staff, personnel, or volunteers, respectively.

((42)) (41) "Toilet" means a room containing at least one water closet.

((43)) (42) "Useable floor area" means floor spaces in patient rooms excluding areas taken up by vestibules, closets, wardrobes, portable lockers, lavatories, and toilet rooms.

((44)) (43) "Water closet" means a plumbing fixture fitted with a seat and a device for flushing the bowl of the fixture with water.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 53, filed 2/8/71)

WAC 248-140-010 PURPOSE. It is the purpose of the ~~(Washington state board of health)~~ department to establish guidelines to assure the safe and adequate care of patients undergoing termination of pregnancy, by means of rules and regulations setting standards for medical facilities at which pregnancies are terminated, in accordance with chapter ~~(3, Laws of 1970 ex. sess))~~ 9.02 RCW.

AMENDATORY SECTION (Amending Order 251, filed 12/15/82)

WAC 248-140-140 DEFINITIONS. Unless the context clearly indicates otherwise, the following terms, whenever used in this chapter, shall be deemed to have the following meanings:

(1) ~~(Board)~~ means the Washington state board of health.

(2) "Certificate of approval" means a certificate issued ~~(on behalf of the board)~~ by the department to a nonhospital facility approved for the performance of induction and/or termination procedures during the second trimester.

((3)) (2) "Certified nurse anesthetist" means a registered nurse whose application for certified registered nurse designation has been approved by the Washington state board of nursing pursuant to RCW 18.88.080 and WAC 308-120-300.

~~((4))~~ (3) "Clean" when used in reference to a room or area means space and/or equipment for storage and handling of supplies and/or equipment which are in a sanitary or sterile condition.

~~((5))~~ (4) "Department" means the Washington state department of social and health services(~~(, which shall serve as agent of the board)~~).

~~((6))~~ (5) "Facility" means any nonhospital institution, place, building, or agency or portion thereof in which induction and/or termination is conducted during the second trimester.

~~((7))~~ (6) "Induction" means the procedure used to initiate termination of pregnancy.

~~((8))~~ (7) "Observation unit" means a room or rooms for the segregation, close or continuous observation, and care of a patient before or after a termination procedure.

~~((9))~~ (8) "Patient" means a woman undergoing induction and/or termination of pregnancy.

~~((10))~~ (9) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association.

~~((11))~~ (10) "Physician" means an individual licensed under provisions of chapter 18.71 RCW, Physicians, or chapter 18.57 RCW, Osteopathy—Osteopathic medicine and surgery.

~~((12))~~ (11) "Registered nurse" means an individual licensed under the provisions of chapter 18.88 RCW, Registered nurses.

~~((13))~~ (12) "Second trimester" means the second three-month period of pregnancy.

~~((14))~~ (13) "Secretary" means the secretary of the department of social and health services or his or her designee or authorized representative.

~~((15))~~ (14) "Soiled," when used in reference to a room or area, means space and equipment for collection and/or cleaning of used or contaminated supplies and equipment and/or disposal of wastes.

~~((16))~~ (15) "Termination" means ending of a pregnancy.

AMENDATORY SECTION (Amending Order 251, filed 12/15/82)

WAC 248-140-150 FACILITIES APPROVED FOR TERMINATION OF PREGNANCY. For the purpose of preserving and protecting maternal health, all abortions performed during the second trimester of pregnancy shall be performed in hospitals licensed pursuant to chapter 70.41 RCW or in a medical facility approved for that purpose by the ~~(board)~~ department, as set forth in chapter 248-140 WAC.

AMENDATORY SECTION (Amending Order 202, filed 10/1/80)

WAC 248-140-220 REPORTING OF PREGNANCY TERMINATIONS. In order for ~~(the board and)~~ the department to evaluate the effect of the ~~(board's)~~ rules and regulations in assuring safe and adequate care and treatment of patients, each hospital and facility where lawful induced abortions are performed during either the first, second, or third trimester of pregnancy in accordance with chapter 9.02 RCW and these rules and regulations shall, on forms prescribed and supplied by the secretary, report to the department during the following month the number and dates of induced abortions performed during the previous month, giving for each abortion the age of the patient, geographic location of patient's residence, patient's previous pregnancy history, the duration of the pregnancy, the method of abortion, any complications such as perforations, infections, and incomplete evacuations, the name of the ~~(physician(s))~~ physician or physicians performing or participating in the abortion and such other relevant information as may be required by the secretary. All physicians performing abortions in nonapproved facilities, when the physician has determined that termination of the pregnancy was immediately necessary to meet a medical emergency, shall also report in the same manner, and shall additionally provide a clear and detailed statement of the facts upon which he or she based his or her judgment of medical emergency.

WSR 86-03-071
EMERGENCY RULES
DEPARTMENT OF LICENSING
[Order TL/RG 22—Filed January 17, 1986]

I, Theresa Anna Aragon, director of the Washington State Department of Licensing, do promulgate and adopt at Olympia, the annexed rules relating to display of indicia of aircraft registration, adding new section WAC 308-79-050.

I, Theresa Anna Aragon, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is aircraft registration fees must be paid in January. Since administrative responsibility for aircraft registration was transferred from the Department of Transportation to the Department of Licensing, a new rule is needed to replace Department of Transportation WAC 12-16-050 which was repealed.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 47.68.050 [47.68.250] and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 16, 1986.

By Theresa Anna Aragon
Director

NEW SECTION

WAC 308-79-050 DISPLAY OF INDICIA OF REGISTRATION. (1) That every aircraft registered with the Washington state department of licensing shall prominently display an insignia or decal, to be provided by the Washington state department of licensing, on the tail or fuselage of such aircraft, just above N number as evidence of registration;

(2) That no aircraft which is not lawfully registered shall display such insignia or evidence of registration, or any other mark, number, decal or insignia which might be reasonably believed to be evidence of state registration; and

(3) That failure to display such insignia shall be prima facie evidence that such aircraft is not registered.

WSR 86-03-072
ATTORNEY GENERAL OPINION
Cite as: AGO 1986 No. 1
[January 16, 1986]

COUNTIES—BUDGET ORDINANCE—HOME RULE COUNTY—COUNTY PROSECUTING ATTORNEY—EFFECT OF

APPROPRIATION ON STATUTORY FUNCTIONS OF PROSECUTING ATTORNEY

A legislative authority of a home rule county may condition its appropriation to the prosecuting attorney's office on a particular allocation of resources within the prosecuting attorney's office but may not, by its appropriation, effectively prevent the prosecuting attorney from performing statutory duties.

Requested by:

Honorable David S. McEachran
 Whatcom County Prosecuting Attorney
 Whatcom County Courthouse
 311 Grand Avenue
 Bellingham, Washington 98225-4079

WSR 86-03-073

PROPOSED RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Filed January 21, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning the amending of chapter 296-155 WAC, safety standards for construction work is amended in the following sections: WAC 296-155-003, 296-155-005, 296-155-010, 296-155-012, 296-155-020, 296-155-035, 296-155-100, 296-155-110, 296-155-120, 296-155-125, 296-155-130, 296-155-140, 296-155-155, 296-155-160, 296-155-165, 296-155-200, 296-155-201, 296-155-205, 296-155-212, 296-155-225, 296-155-230, 296-155-250, 296-155-260, 296-155-270, 296-155-275, 296-155-300, 296-155-305, 296-155-325, 296-155-330, 296-155-335, 296-155-34911, 296-155-34912, 296-155-34913, 296-155-34914, 296-155-34920, 296-155-355, 296-155-360, 296-155-365, 296-155-370, 296-155-400, 296-155-405, 296-155-425, 296-155-430, 296-155-435, 296-155-440, 296-155-475, 296-155-480, 296-155-485, 296-155-500, 296-155-505, 296-155-510, 296-155-530, 296-155-545, 296-155-570, 296-155-575, 296-155-576, 296-155-580, 296-155-605, 296-155-610, 296-155-615, 296-155-625, 296-155-650, 296-155-655, 296-155-660, 296-155-665, 296-155-66501, 296-155-66502, 296-155-680, 296-155-690, 296-155-695, 296-155-700, 296-155-705, 296-155-720, 296-155-725, 296-155-730, 296-155-750, 296-155-765, 296-155-775, 296-155-830 and 296-155-950.

The following new sections are proposed for chapter 296-155 WAC, safety standards for construction work:

New	WAC 296-155-009	Equipment not owned by, or under control of the employer.
New	WAC 296-155-203	Confined spaces.
New	WAC 296-155-20301	Definitions.
New	WAC 296-155-20303	Evaluation of potentially hazardous atmospheres.
New	WAC 296-155-20305	Entry into confined space.
New	WAC 296-155-20307	Confined space work on sewer systems under construction.
New	WAC 296-155-211	Leg protection.

New	WAC 296-155-363	Safety requirements for powder actuated fastening systems, in accordance with ANSI A10.3-1977, safety requirements for powder actuated fastening systems.
New	WAC 296-155-36301	Scope.
New	WAC 296-155-36303	Purpose.
New	WAC 296-155-36305	Definitions applicable to this section.
New	WAC 296-155-36307	Requirements.
New	WAC 296-155-36309	Power loads.
New	WAC 296-155-36311	Fasteners.
New	WAC 296-155-36313	Operation.
New	WAC 296-155-36315	Limitations of use.
New	WAC 296-155-36317	Maintenance and storage.
New	WAC 296-155-36319	Authorized instructor.
New	WAC 296-155-36321	Qualified operator.
New	WAC 296-155-367	Masonry saws.
New	WAC 296-155-407	Protective clothing.
New	WAC 296-155-48523	Manually propelled mobile ladder stands and scaffolds (towers).
New	WAC 296-155-48525	Manually propelled elevating work platforms.
New	WAC 296-155-48527	Self-propelled elevating work platforms.
New	WAC 296-155-48529	Boom supported elevating work platforms.
New	WAC 296-155-48531	Vehicle mounted elevating and rotating aerial devices.
New	WAC 296-155-48533	Crane and forklift suspended or elevated personnel platforms.
New	WAC 296-155-50503	Roofing brackets.
New	WAC 296-155-50505	Roofing, insulating and waterproofing.
New	WAC 296-155-515	Ramps, runways, and inclined walkways.
New	WAC 296-155-617	Servicing multipiece rim wheels.
New	WAC 296-155-61701	Scope.
New	WAC 296-155-61703	Definitions applicable to this section.
New	WAC 296-155-61705	Employee training.
New	WAC 296-155-61707	Tire servicing equipment.
New	WAC 296-155-61709	Wheel component acceptability.
New	WAC 296-155-61711	Safe operating procedure.
New	WAC 296-155-61713	Safe operating procedure single piece rim wheels.
New	WAC 296-155-65505	Sewage piping system.
New	WAC 296-155-66005	Borrow pits.
Rep	WAC 296-155-760	Concrete finishing.
Rep	WAC 296-155-850	Definitions applicable to this part.
Rep	WAC 296-155-855	General provisions.
Rep	WAC 296-155-860	Blaster qualifications.
Rep	WAC 296-155-865	Surface transportation of explosives.
Rep	WAC 296-155-870	Underground transportation of explosives.
Rep	WAC 296-155-875	Storage of explosives and blasting agents.
Rep	WAC 296-155-880	Loading of explosives or blasting agents.
Rep	WAC 296-155-885	Initiation of explosives charges—Electric blasting.
Rep	WAC 296-155-890	Use of safety fuse.
Rep	WAC 296-155-895	Use of detonating cord.
Rep	WAC 296-155-900	Firing the blast.
Rep	WAC 296-155-905	Inspection after blasting.
Rep	WAC 296-155-910	Misfire.
Rep	WAC 296-155-915	Underwater blasting.
Rep	WAC 296-155-920	Blasting in excavation work under compressed air.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on January 21, 1986.

The authority under which these rules are proposed is RCW 49.17.040 and 49.17.050.

The specific statute these rules are intended to implement is RCW 49.17.050 (9) and (10) and 49.17.060(1).

This notice is connected to and continues the matter in Notice Nos. WSR 85-21-099 and 86-01-069 filed with the code reviser's office on October 23, 1985, and December 17, 1985.

Dated: January 21, 1986
 By: Richard A. Davis
 Director

WSR 86-03-074

ADOPTED RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Order 86-14—Filed January 21, 1986]

I, Richard A. Davis, director of the Department of Labor and Industries, do promulgate and adopt at Room 334, General Administration Building, Olympia, Washington 98504, the annexed rules relating to the amending of chapter 296-155 WAC, safety standards for construction work is amended in the following sections: WAC 296-155-003, 296-155-005, 296-155-010, 296-155-012, 296-155-020, 296-155-035, 296-155-100, 296-155-110, 296-155-120, 296-155-125, 296-155-130, 296-155-140, 296-155-155, 296-155-160, 296-155-165, 296-155-200, 296-155-201, 296-155-205, 296-155-212, 296-155-225, 296-155-230, 296-155-250, 296-155-260, 296-155-270, 296-155-275, 296-155-300, 296-155-305, 296-155-325, 296-155-330, 296-155-335, 296-155-34911, 296-155-34912, 296-155-34913, 296-155-34914, 296-155-34920, 296-155-355, 296-155-360, 296-155-365, 296-155-370, 296-155-400, 296-155-405, 296-155-425, 296-155-430, 296-155-435, 296-155-440, 296-155-475, 296-155-480, 296-155-485, 296-155-500, 296-155-505, 296-155-510, 296-155-530, 296-155-545, 296-155-570, 296-155-575, 296-155-576, 296-155-580, 296-155-605, 296-155-610, 296-155-615, 296-155-625, 296-155-650, 296-155-655, 296-155-660, 296-155-665, ~~296-155-66501~~, ~~296-155-66502~~, 296-155-680, 296-155-690, 296-155-695, 296-155-700, 296-155-705, 296-155-720, 296-155-725, 296-155-730, 296-155-750, 296-155-765, 296-155-775, 296-155-830 and 296-155-950.

The following new sections are proposed for chapter 296-155 WAC, safety standards for construction work:

- New WAC 296-155-009 Equipment not owned by, or under control of the employer.
- New WAC 296-155-203 Confined spaces.
- New WAC 296-155-20301 Definitions.
- New WAC 296-155-20303 Evaluation of potentially hazardous atmospheres.
- New WAC 296-155-20305 Entry into confined space.
- New WAC 296-155-20307 Confined space work on sewer systems under construction.
- New WAC 296-155-211 Leg protection.
- New WAC 296-155-363 Safety requirements for powder actuated fastening systems, in accordance with ANSI A10.3-1977, safety requirements for powder actuated fastening systems.
- New WAC 296-155-36301 Scope.
- New WAC 296-155-36303 Purpose.
- New WAC 296-155-36305 Definitions applicable to this section.
- New WAC 296-155-36307 Requirements.
- New WAC 296-155-36309 Power loads.

- New WAC 296-155-36311 Fasteners.
- New WAC 296-155-36313 Operation.
- New WAC 296-155-36315 Limitations of use.
- New WAC 296-155-36317 Maintenance and storage.
- New WAC 296-155-36319 Authorized instructor.
- New WAC 296-155-36321 Qualified operator.
- New WAC 296-155-367 Masonry saws.
- New WAC 296-155-407 Protective clothing.
- New WAC 296-155-48523 Manually propelled mobile ladder stands and scaffolds (towers).
- New WAC 296-155-48525 Manually propelled elevating work platforms.
- New WAC 296-155-48527 Self-propelled elevating work platforms.
- New WAC 296-155-48529 Boom supported elevating work platforms.
- New WAC 296-155-48531 Vehicle mounted elevating and rotating aerial devices.
- New WAC 296-155-48533 Crane and forklift suspended or elevated personnel platforms.
- New WAC 296-155-50503 Roofing brackets.
- New WAC 296-155-50505 Roofing, insulating and waterproofing.
- New WAC 296-155-515 Ramps, runways, and inclined walkways.
- New WAC 296-155-617 Servicing multipiece rim wheels.
- New WAC 296-155-61701 Scope.
- New WAC 296-155-61703 Definitions applicable to this section.
- New WAC 296-155-61705 Employee training.
- New WAC 296-155-61707 Tire servicing equipment.
- New WAC 296-155-61709 Wheel component acceptability.
- New WAC 296-155-61711 Safe operating procedure.
- New WAC 296-155-61713 Safe operating procedure single piece rim wheels.
- New WAC 296-155-65505 Sewage piping system.
- New WAC 296-155-66005 Borrow pits.
- Rep WAC 296-155-760 Concrete finishing.
- Rep WAC 296-155-850 Definitions applicable to this part.
- Rep WAC 296-155-855 General provisions.
- Rep WAC 296-155-860 Blaster qualifications.
- Rep WAC 296-155-865 Surface transportation of explosives.
- Rep WAC 296-155-870 Underground transportation of explosives.
- Rep WAC 296-155-875 Storage of explosives and blasting agents.
- Rep WAC 296-155-880 Loading of explosives or blasting agents.
- Rep WAC 296-155-885 Initiation of explosives charges—Electric blasting.
- Rep WAC 296-155-890 Use of safety fuse.
- Rep WAC 296-155-895 Use of detonating cord.
- Rep WAC 296-155-900 Firing the blast.
- Rep WAC 296-155-905 Inspection after blasting.
- Rep WAC 296-155-910 Misfire.
- Rep WAC 296-155-915 Underwater blasting.
- Rep WAC 296-155-920 Blasting in excavation work under compressed air.

This action is taken pursuant to Notice Nos. WSR 85-21-099 and 86-01-069 filed with the code reviser on October 23, 1985, and December 17, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 49.17.040 and 49.17.050 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 21, 1986.

By Richard A. Davis
 Director

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

✓WAC 296-155-003 SUBSECTIONS, SUBDIVISIONS, ITEMS, SUBITEMS, AND SEGMENTS. (1) That portion of section ((numerology)) numeration appearing after the chapter designation appears in either a three digit or a five digit format (e.g. 296-24-330 and 296-24-30002). The final two digits of the section number are implied decimal extensions of the first three digits and represent a further division of the three digit enumeration.

(2) Sections of this chapter may be divided into subsections (1), (2), (3), etc., which may in turn be divided into subdivisions (a), (b), (c), etc., which may be further divided into items (i), (ii), (iii), etc., which may be further divided into subitems (A), (B), (C), etc., which may be further divided into segments (aa), (bb), (cc), etc., all according to the following hierarchy, e.g.

Sections	296-24-330 and 296-24-33002
Subsections	(1) (2)
Subdivisions	(a) (b)
Items	(i) (ii)
Subitems	(A) (B)
Segments	((faa)) I ((fbb)) II

NOTE: "Part" as used in this standard means a major division of this chapter relating to a specific topic or topics and containing various related sections.

AMENDATORY SECTION (Amending Order 80-20, filed 11/13/80)

✓WAC 296-155-005 PURPOSE AND SCOPE. (1) The standards included in this chapter apply throughout the state of Washington, to any and all work places subject to the Washington Industrial Safety and Health Act (chapter 49.17 RCW), where construction, alteration, demolition, related inspection, and/or maintenance and repair work, including painting and decorating, is performed. These standards are minimum safety requirements with which all industries must comply when engaged in the above listed types of work.

(2) ~~((When a provision of this chapter conflicts with a provision of any chapter of another vertical safety standard applying to the employers' specific type of work place, the provision of the vertical safety standard of specific application shall prevail.))~~ If a provision of this chapter conflicts with a provision of the general safety and health standard (chapter 296-24 WAC) or the general occupational health standard (chapter 296-62 WAC), the provision of this chapter shall prevail. When a provision of this chapter conflicts with a provision of another vertical safety standard applying to the place of

work, the provisions of the vertical standard of specific application shall prevail.

NEW SECTION

✓WAC 296-155-009 EQUIPMENT WHETHER OR NOT OWNED BY, OR UNDER CONTROL OF THE EMPLOYER. (1) It is the employer's responsibility to ensure that any defective equipment or tools are not used.

(2) When any tool or piece of equipment fails to meet the requirements of any safety standard or recognized safe practice, the tool or equipment shall not be used.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

✓WAC 296-155-010 VARIANCE AND PROCEDURE. Realizing that conditions may exist in operations under which certain state standards will not have practical application, the director of the department of labor and industries or his authorized representative may, pursuant to this section, sections eight or nine of the Washington Industrial Safety and Health Act (chapter 80, Laws of 1973, RCW 49.17.080 and 49.17.090) and appropriate administrative rules of this state and the department of labor and industries and upon receipt of application and after adequate investigation by the department, permit a variation from these requirements when other means of providing an equivalent measure of protection are afforded. Such variation granted shall be limited to the particular case or cases covered in the application for variance and may be revoked for cause. The order granting a variance shall be conspicuously posted on the premises and shall remain posted during the time it is in effect. A copy of the variance shall be available at the work site. All requests for variances from safety and health standards included in this chapter, shall be made in writing to the director of the department of labor and industries at Olympia, Washington, or his duly authorized representative, the ~~((supervisor of safety))~~ assistant director, division of industrial safety and health, department of labor and industries, Olympia, Washington.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

✓WAC 296-155-012 DEFINITIONS APPLICABLE TO ALL SECTIONS OF THIS CHAPTER.

NOTE: Unless the context indicates otherwise, words used in this chapter shall have the meaning given in this section. Certain parts of this chapter contain definitions as they apply to that particular part.

(1) "Approved" means approved by the director of the department of labor and industries or his authorized representative: PROVIDED, HOWEVER, that should a provision of this chapter state that approval by an agency or organization other than the department of labor and industries is required, such as Underwriters' Laboratories or the bureau of mines, the provisions of WAC 296-155-006 shall apply.

(2) "Assistant director" means the individual in charge of the division of industrial safety and health, department of labor and industries, or an authorized representative.

(3) "Authorized person" means a person approved or assigned by the employer to perform a specific type of duty or duties or be at a specific location or locations at the workplace.

((3)) (4) "Competent person" means one who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective action to eliminate them.

((4)) (5) "Confined or enclosed space" means any space having a limited means of egress, which is subject to the accumulation of toxic or flammable contaminants or has an oxygen deficient atmosphere. Confined or enclosed spaces include, but are not limited to, storage tanks, process vessels, bins, boilers, ventilation or exhaust ducts, sewers, underground utility vaults, tunnels, pipelines, and open top spaces more than 4 feet in depth such as pits, tubs, vaults, and vessels.

((5)) (6) "Construction work" shall mean and include all or any part of excavation, construction, erection, alteration, repair, demolition, and dismantling, of buildings and other structures and all operations in connection therewith; the excavation, construction, alteration and repair of sewers, trenches, caissons, conduits, pipe lines, roads and all operations pertaining thereto; the moving of buildings and other structures, and to the construction, alteration, repair, or removal of wharfs, docks, bridges, culverts, trestles, piers, abutments or any other construction, alteration, repair or removal work related thereto.

((6)) (7) "Defect" means any characteristic or condition which tends to weaken or reduce the strength of the tool, object, or structure of which it is a part.

((7)) (8) "Department" means the department of labor and industries.

((8)) (9) "Designated person" means "authorized person" as defined in subsection ((2)) (3) of this section.

((9)) (10) "Director" means the director of the department of labor and industries, or his designated representative.

((10)) (11) "Division" means the division of industrial safety and health of the department.

((11)) (12) "Employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees or who contracts with one or more persons, the essence of which is the personal labor of such person or persons and includes the state, counties, cities, and all municipal corporations, public corporations, political subdivisions of the state, and charitable organizations: PROVIDED, that any person, partnership, or business entity not having employees, and who is covered by the industrial insurance act shall be considered both an employer and an employee.

((12)) (13) "Equipment" means all machinery, devices, tools, facilities, safeguards, and protective construction used in connection with construction operations.

((13)) (14) "Ground fault circuit interrupter" means a fast acting circuit breaker that is sensitive to very low levels of current leakage to ground. The device is designed to limit the electric shock to a current and time duration below that which can cause serious injury.

(15) "Hazard" means that condition, potential or inherent, which is likely to cause injury, death, or occupational disease.

((14)) (16) "Hazardous substance" means a substance which, by reason of being explosive, flammable, poisonous, corrosive, oxidizing, irritating, or otherwise harmful, is likely to cause death or injury.

((15)) (17) "Maintenance" means the work of keeping a building, machine, roadway, etc., in a state of good repair.

((16)) (18) "Part" means a major division, of this chapter, relating to a specific topic or topics and containing various sections, subsections, etc.

((17)) (19) "Qualified" means one who, by possession of a recognized degree, certificate, or professional standing, or who by extensive knowledge, training, and experience, has successfully demonstrated his ability to solve or resolve problems relating to the subject matter, the work, or the project.

((18)) (20) "Repair" means to restore a building, machine, roadway, etc., to an original state after damage or decay.

((19)) (21) "Safety factor" means the ratio of the ultimate breaking strength of a member or piece of material or equipment to the actual working stress or safe load when in use.

((20)) (22) "Safety and health standard" means a standard which requires the adoption or use of one or more practices, means, methods, operations, or processes reasonably necessary or appropriate to provide safe or healthful employment and places of employment.

((21)) (23) "Shall" means that the provision(s) of the standard are mandatory.

((22)) (24) "Substantial" means constructed of such strength, of such material, and of such workmanship, that the object referred to will withstand all normal wear, shock and usage.

((23)) (25) "Standard safeguard" means a device designed and constructed with the object of removing the hazard of accident incidental to the machine, appliance, tool, building, or equipment to which it is attached.

Standard safeguards shall be constructed of either metal or wood or other suitable material or a combination of these. The final determination of the sufficiency of any safeguard rests with the director of the department of labor and industries through the division of industrial safety and health.

((24)) (26) "Suitable" means that which fits, or has the qualities or qualifications to meet a given purpose, occasion, condition, function, or circumstance.

~~((25) "Supervisor" means the supervisor of the division of industrial safety and health.~~

~~((26))~~ (27) "Working day" means a calendar day, except Saturdays, Sundays, and legal holidays as set forth in RCW 1.16.050, as now or hereafter amended, and for the purposes of the computation of time within which an act is to be done under the provisions of this chapter, shall be computed by excluding the first working day and including the last working day.

~~((27))~~ (28) "~~(Workmen)~~ Worker," "personnel," "man," "person," "employee," and other terms of like meaning, unless the context of the provision containing such term indicates otherwise, mean an employee of an employer who is employed in the business of his employer whether by way of manual labor or otherwise and every person in this state who is engaged in the employment of or who is working under an independent contract the essence of which is his personal labor for an employer whether by manual labor or otherwise.

~~((28))~~ (29) "Work place" means any plant, yard, premises, room, or other place where an employee or employees are employed for the performance of labor or service over which the employer has the right of access or control, and includes, but is not limited to, all work places covered by industrial insurance under Title 51 RCW, as now or hereafter amended.

~~((29))~~ (30) Abbreviations used in this chapter:

- (a) "ANSI" means American National Standards Institute.
- (b) "API" means American Petroleum Institute.
- (c) "ASA" means American Standards Association.
- (d) "ASAE" means American Society of Agricultural Engineers.
- (e) "ASHRE" means American Society of Heating and Refrigeration Engineers.
- (f) "ASME" means American Society of Mechanical Engineers.
- (g) "ASTM" means American Society of Testing and Materials.
- (h) "AWS" means American Welding Society.
- (i) "BTU" means British thermal unit.
- (j) "BTUH" means British thermal unit per hour.
- (k) "CFM" means cubic feet per minute.
- (l) "CFR" means Code of Federal Register.
- (m) "CGA" means Compressed Gas Association.
- (n) "CIE" means Commission Internationale de l'Eclairage.
- (o) "DOT" means department of transportation.
- (p) "FRP" means fiberglass reinforced plastic.
- (q) "GPM" means gallons per minute.
- (r) "ICC" means Interstate Commerce Commission.
- (s) "ID" means inside diameter.
- (t) "LPG" means liquefied petroleum gas.

~~((30))~~ (31) Additional abbreviations used in this chapter:

- (a) "MCA" means Manufacturing Chemist Association.
- (b) "MSHA" means United States department of labor, mine safety and health administration.
- (c) "NBFU" means National Board of Fire Underwriters.
- ~~((31))~~ (d) "NEMA" means National Electrical Manufacturing Association.

~~((31))~~ (e) "NFPA" means National Fire Protection Association.

~~((32))~~ (f) "NTP" means normal temperature and pressure.

~~((33))~~ (g) "OD" means outside diameter.

~~((34))~~ (h) "PSI" means pounds per square inch.

~~((35))~~ (i) "PSIA" means pounds per square inch absolute.

~~((36))~~ (j) "PSIG" means pounds per square inch gauge.

~~((37))~~ (k) "RMA" means Rubber Manufacturers Association.

~~((38))~~ (l) "SAE" means Society of Automotive Engineers.

~~((39))~~ (m) "TFI" means The Fertilizer Institute.

~~((40))~~ (n) "TSC" means Trailer Standard Code.

~~((41))~~ (o) "UL" means Underwriters' Laboratories, Inc.

~~((42))~~ (p) "USASI" means United States of America Standards Institute.

~~((43))~~ (q) "USC" means United States Code.

~~((44))~~ (r) "USCG" means United States Coast Guard.

~~((45))~~ (s) "WAC" means Washington Administrative Code.

~~((46))~~ (t) "WISHA" means Washington Industrial Safety and Health Act of 1973.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

~~WAC 296-155-020 HOUSEKEEPING. (1) ((During the course of construction, alteration, or repairs, form and scrap lumber with protruding nails, and all other debris, shall be kept cleared from work areas, passageways, and stairs, in and around buildings or other structures.~~

~~(2) Combustible scrap and debris shall be removed at regular intervals during the course of construction. Safe means shall be provided to facilitate such removal.~~

~~(3) Containers shall be provided for the collection and separation of waste, trash, oily and used rags, and other refuse. Containers used for garbage and other oily, flammable, or hazardous wastes, such as caustics, acids, harmful dusts, etc., shall be equipped with covers. Garbage and other waste shall be disposed of at frequent and regular intervals.) All places of employment shall be kept clean to the extent that the nature of the work allows.~~

~~(2) To facilitate cleaning, every floor, working surface, and passageway shall be kept free from protruding nails, splinters, loose boards or openings.~~

(3) Cleaning and sweeping shall be performed in such a manner as to minimize the contamination of the air with dust.

(4) In areas where workers may pass or perform duties, all debris and accumulations of material shall be removed. Hoses and electrical conductors across aisles or passageways shall be covered or suspended overhead so that there is no tripping hazard.

(5) Where mechanical handling equipment is used, sufficient safe clearances shall be allowed for aisles, at loading docks, through doorways and wherever turns or passages must be made. Such aisles and passageways shall be marked.

(6) Storage of material shall not create a hazard. Bags, containers, bundles, construction materials and other equipment shall be stored in tiers, stacked, blocked or interlocked. They shall be limited in height so that they are stable and secure against falling, sliding, or collapse.

(7) Free access shall be maintained at all times to all exits, fire alarm boxes, fire extinguishing equipment, and any other emergency equipment. Free access means clear of all obstructions.

(8) Working and storage areas shall be kept free from accumulation of materials that pose hazards of tripping, fire, explosion, or pest harborage. Vegetation control shall be exercised.

(9) All lunchrooms, washrooms and restrooms shall be kept in a clean and sanitary condition. Garbage cans in lunchrooms and restrooms shall be equipped with fitted covers and the contents disposed of daily.

(10) During the course of construction, alteration, repair or demolition of buildings and structures, employers shall ensure continuous clean-up of their work area, including removal of all rubble, scrap, boxes, crates and excess material to trash disposal areas.

(11) Containers shall be provided for the collection and separation of waste, trash, oily or used rags, and other refuse. Containers used for garbage and other oily, flammable or hazardous wastes, such as caustics, acids, harmful dusts or similar materials shall be equipped with covers. Common garbage and other waste shall be disposed of at frequent and regular intervals. Chemical agents or substances which might react to create a hazardous condition shall be stored and disposed of separately. All hazardous wastes which are subject to the requirements of chapter 173-303 WAC shall be handled, accumulated and disposed of in accordance with that chapter.

(12) All floors and walkways shall be maintained in good condition. Loose or broken components shall be repaired or replaced. Secure footing shall be ensured on all floors and walkways.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

✓ WAC 296-155-035 GENERAL REQUIREMENTS. (1) The use of any machinery, tool, material, or equipment which is not in compliance with any applicable requirements of this chapter is prohibited. Such machine, tool, material, or equipment shall either be identified as unsafe by tagging or locking the controls to

render them inoperable or shall be physically removed from its place of operation.

(2) The employer shall permit only those employees qualified by training or experience to operate equipment and machinery.

(3) Employees shall use safeguards provided for their protection.

(4) Suitable clothing shall be worn for the job. Sufficient and proper clothing shall be worn to assist in preventing scratches, abrasions, slivers, sunburn, hot liquid burns, or similar hazards. Loose or ragged clothing, scarfs or ties shall not be worn while working around moving machinery.

(5) ~~((When it is necessary for employees to work above other employees, those working underneath shall be notified, and when employees are put to work underneath other employees, those working overhead shall be notified.))~~ Where work is in progress above workers, a catch platform or other means shall be provided to protect those working below. All workers shall be notified. One completed floor shall be maintained between workers and steel or concrete work above.

(6) Employees shall report to their employers the existence of any unsafe equipment or method or any other hazard which, to their knowledge is unsafe and where such unsafe equipment or method or other hazard exists in violation of this chapter it shall be corrected.

(7) Nothing herein contained shall prevent the use of existing equipment during its lifetime provided it shall be properly safeguarded, maintained in good condition, be in conformity with applicable safety and health standards, and shall conform to safety factors for the material used, as herein provided.

(8) As construction progresses, the component parts of structures shall be secured or braced to prevent collapse or failure.

(9) Prompt and safe removal of injured employees from elevated work locations, trenches and excavations shall be ensured prior to commencement of work.

AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

✓ WAC 296-155-100 MANAGEMENT'S RESPONSIBILITY. (1) It shall be the responsibility of management to establish and supervise:

(a) A safe and healthful working environment.

(b) An accident prevention program as required by these standards.

(c) Training programs to improve the skill and competency of all employees in the field of occupational safety and health.

~~((d) A system for reporting and recording accidents that will fulfill requirements of chapter 296-27 WAC.))~~

(2) Employees required to handle or use poisons, caustics, and other harmful substances shall be instructed regarding the safe handling and use, and be made aware of the potential hazards, personal hygiene, and personal protective measures required.

(3) In job site areas where harmful plants or animals are present, employees who may be exposed shall be instructed regarding the potential hazards, and how to

avoid injury, and the first aid procedures to be used in the event of injury.

(4) Employees required to handle or use flammable liquids, gases, or toxic materials shall be instructed in the safe handling and use of these materials and made aware of the specific requirements contained in Parts B, D, and other applicable parts of this standard.

~~(5)((a) All employees required to enter into confined or enclosed spaces shall be instructed as to the nature of the hazards involved, the necessary precautions to be taken, and in the use of protective and emergency equipment required. The employer shall comply with any specific regulations that apply to work in dangerous or potentially dangerous areas.~~

~~(b) For purposes of subdivision (a) of this subdivision; "confined or enclosed space" means any space having a limited means of egress, which is subject to the accumulation of toxic or flammable contaminants or has an oxygen deficient atmosphere. Confined or enclosed spaces include, but are not limited to, storage tanks, process vessels, bins, boilers, ventilation or exhaust ducts, sewers, underground utility vaults, tunnels, pipelines, and open top spaces more than 4 feet in depth such as pits, tubs, vaults, and vessels.)) Confined spaces. The requirements of chapters 296-24, 296-62 and 296-155 WAC apply.~~

~~(6) The employer shall ensure that work assignments place no employee in a position or location not within ordinary calling distance of another employee able to render assistance in case of emergency.~~

NOTE: This subsection does not apply to operators of motor vehicles, watchmen or other jobs which, by their nature, are single employee assignments. However, a definite procedure for checking the welfare of all employees during working hours should be instituted and all employees so advised.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

✓WAC 296-155-110 ACCIDENT PREVENTION PROGRAM. ((1) An accident prevention program, wherein there is equitable management-employee participation, shall be established in all establishments, industrial plants, or operations:

(2) It shall be the responsibility of the employer to initiate and maintain such accident prevention programs as may be necessary to comply with this part. The division may be contacted for assistance in initiating and maintaining an effective accident prevention program:

(3) All accident prevention programs shall be tailored to the needs of the particular operation:

(4) Employer and employee representatives, as elected, delegated or appointed, shall attend and actively take part in frequent and regular safety committee meetings:

(5) Accident prevention programs shall provide for employer-employee safety meetings and frequent and regular safety inspections of jobsites, materials, equipment, and operating procedures:

(6) Frequency of safety meetings and safety inspections shall be determined by the employer:

~~(7) Safety inspections shall be administered by competent personnel as designated by the employer.~~

~~(8) A record of safety activities, such as inspections and meetings, shall be maintained by the employer for a period covering the previous twelve months and shall be made available, upon request, to noncompliance representatives of the department.)) (1) Every employer shall develop a written accident prevention program, as required by WAC 296-24-040, and a safety and health committee plan, as required by WAC 296-24-045. Every employer, regardless of the number of employees, is required to implement the requirements of WAC 296-24-045, except that the provisions of WAC 296-24-045 and 296-24-040(1)(b) may be accomplished by:~~

~~(a) Foreman-crew safety meetings held at least weekly.~~

~~(b) Foreman-crew meetings tailored to the particular operation.~~

~~(c) At least weekly, a walk-around safety inspection conducted jointly by one member of management and one employee, elected by the employees as their authorized representative.~~

~~(2) Minutes of each foreman-crew meeting shall be prepared and a copy shall be maintained at the location where the majority of the employees of each construction site report for work each day. Minutes of meetings shall be retained by the employer for at least one year and shall be made available for review by personnel of the division of industrial safety and health, upon request.~~

~~(3) Foreman-crew meetings shall address the following:~~

~~(a) A review of any walk-around safety inspection conducted since the last safety meeting.~~

~~(b) A review of any citation to assist in correction of hazards.~~

~~(c) An evaluation of any accident investigations conducted since the last meeting to determine if the cause of the unsafe acts or unsafe conditions involved were properly identified and corrected.~~

~~(d) Attendance shall be documented.~~

~~(e) Subjects discussed shall be documented.~~

NOTE: Subcontractors and their employees may attend the prime contractor's meeting provided that the prime contractor agrees and that all other requirements of this section are met.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

✓WAC 296-155-120 FIRST-AID TRAINING AND CERTIFICATION. ((The purpose of this section is to assure that all employees of this state can be afforded quick and effective first-aid attention in the event that an injury occurs on the job. The means of achieving this purpose is to assure the presence of personnel trained in first-aid procedures at or near those places where employees are working. Compliance with the provisions of this section may require the presence of more than one first-aid trained person:

(1) From the Revised Code of Washington (RCW 51.36.030) "Every employer . . . shall cooperate with the

department in training one or more employees in first aid to the injured.²

(2) There shall be present or available at all work sites, at all times, a person or persons holding a valid certificate of first-aid training from the department of labor and industries, U.S. Bureau of Mines, the American Red Cross, or equivalent training that can be verified by documentary evidence. (A valid first-aid certificate is one which is less than three years old.)

(3) Compliance with the requirements of subsection (2) of this section may be achieved as follows:

(a) All foremen, supervisors, or persons in direct charge of crews working in physically dispersed operations, shall have a valid first-aid certificate. PROVIDED, That if the duties or work of the foreman, supervisor or person in direct charge of a crew, is absent from the crew, another person holding a valid first-aid certificate shall be present. For the purposes of this section, a crew shall mean a group of two or more employees working at a work site separate and remote from the main office or fixed work place (such as occurs in construction, logging, etc.)

(b) In fixed establishments, all foremen, supervisors, or persons in direct charge of a group or groups of employees shall have a valid first-aid certificate. PROVIDED, That in fixed establishments where the foreman, supervisor, or person in charge has duties which require his absence from the work site of the group, another person holding a valid first-aid certificate shall be present or available to the group.

NOTE: In emergencies, foremen will be permitted to work up to 30 days without having the required certificate, providing an employee in the crew or another foreman in the immediate work area has the necessary certificate.

(c) In fixed establishments organized into distinct departments or equivalent organizational units such as department stores, large company offices, etc., a person or persons holding the valid first-aid certificate shall be available at all times employees are working within that department.

(d) In small businesses, offices or similar types of fixed workplaces, compliance with the requirements of subsection (2) of this section may be achieved by having a number of such small businesses, offices, etc., combined into a single unit for the purpose of assuring the continued presence or availability of a person or persons holding a valid first-aid training certificate.

A plan for combining a number of small businesses etc., into such a group shall be submitted to the safety education section of the division of industrial safety and health for approval. That section is also available for assisting employers who wish to develop such a plan. Criteria for approval by the division include:

(i) The businesses within the group must not be widely dispersed;

(ii) The person or persons holding the first-aid certificates, their usual places of work, their work phone numbers, and other appropriate information shall be posted in each establishment which is a member of the group,

in a place which can reasonably be expected to give notice to employees of that establishment:

(iii) First-aid kits must be available as required by WAC 296-24-065, of the general safety and health standards.

(7) Those employers who believe that establishments for which they are responsible are proximate enough to a fixed location of professional medical services, such as a hospital, clinic, etc. and wish to be exempted from the requirements of this section, may apply to the department for a variance from these provisions according to RCW 49.17.080, 49.17.090, and the general safety and health standards WAC 296-24-010.

(8) Industrial first-aid course instructors will, upon request, be furnished by the division of industrial safety and health, department of labor and industries.

(9) A basic first-aid course recognized by the division of industrial safety and health, department of labor and industries requires instruction involving student participation in exercises involving the following:

- Bleeding control and bandaging.
- Practical methods of artificial respiration, including mouth to mouth and mouth to nose resuscitation.
- Closed chest massage.
- Burns, scalds.
- Sunstroke, heat exhaustion.
- Frostbite, freezing.
- Strains, sprains, hernias.
- Fractures, dislocations.
- Proper transportation of injured.
- Bites, stings.

Subjects covering specific health hazards likely to be encountered by coworkers of first-aid students enrolled in the course.)) This section is designed to assure that all employees in this state are afforded quick and effective first-aid attention in the event of an on the job injury. To achieve this purpose the presence of personnel trained in first-aid procedures at or near those places where employees are working is required. Compliance with the provisions of this section may require the presence of more than one first-aid trained person.

(1) Each employer shall have available at all worksites, at all times, a person or persons holding a valid certificate of first-aid training from the department of labor and industries or other organization, association or agency that has been approved by the department.

(a) A valid first-aid certificate is one which is less than three years old.

(b) All foremen, supervisors or persons in direct charge of crews shall have a valid first-aid certificate.

(c) For the purposes of this section, a crew shall mean a group of two or more employees working at any worksite.

NOTE: In emergencies, foremen will be permitted to work up to thirty days without having the required certificate, providing an employee in the crew or another foreman in the immediate work area has the necessary certificate.

(2) Valid certification shall be achieved by passing a course of first-aid instruction and participation in practical application of the following subject matter:

- Bleeding control and bandaging.
- Cardio Pulmonary Resuscitation "C.P.R."
- Poisons.
- Shock, unconsciousness, stroke.
- Burns, scalds.
- Sunstroke, heat exhaustion.
- Frostbite, freezing, hypothermia.
- Strains, sprains, hernias.
- Fractures, dislocation.
- Proper transportation of the injured.
- Bites, stings.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

✓ **WAC 296-155-125 FIRST-AID KIT.** (1) All employers who employ men and women covered by the act shall furnish first-aid kits as required by the division of industrial safety and health, department of labor and industries, (RCW 51.36.030).

(2) First-aid supplies shall be readily accessible when required by this section.

(3) In the absence of readily accessible first-aid supplies such as first-aid kits, first-aid stations, first-aid rooms or their equivalent, all crew trucks, power shovels, cranes, locomotives, loaders, dozers, logging trucks, speeders, freight trucks and similar equipment shall be equipped with not less than a ten package weather-proof first-aid kit.

(4) All crew vehicles used for transporting workers shall be equipped with not less than a ten package weather-proof first-aid kit. When more than five employees are being transported on any one trip, the kit shall be increased in size to comply with a 16-, 24-, or 36-package kit depending upon the number of personnel normally being transported.

(5) At least one weather-proof first-aid kit shall be available on construction jobs, line crews, and other transient or short duration jobs.

(6) The size and quantity of first-aid kits, required to be located at any site, shall be determined by the number of personnel normally dependent upon each kit as outlined in the following table:

Number of Personnel Normally Assigned To Worksite	Minimum First Aid Supplies Required At Worksite
51 - 200	First-aid Station
51 - 75	One 36 and one 10 package kit
76 - 100	One 36 and one 16 package kit
101 - 150	One 36 and one 24 package kit
151 - 200	Two 36 package kits
Over 200 persons	First-aid Room

Refer to
WAC 296-24-070

(7) Employers shall establish a procedure to ensure that first-aid kits and required contents are maintained in a serviceable condition.

(8) First-aid kits shall contain at least the following items, in a weatherproof container with individual sealed packages for each type of item:

10 Package Kit

- 1 Pkg. adhesive bandages, 1" (16 per pkg.)
- 1 Pkg. bandage compress, 4" (1 per pkg.)
- 1 Pkg. scissors* and tweezers (1 each per pkg.)
- 1 Pkg. triangular bandage, 40" (1 per pkg.)
- 1 Pkg. antiseptic soap or pads (3 per pkg.)
- 5 Pkgs. of consulting physician's choice**

16 Package Kit

- 1 Pkg. absorbent gauze, 24" x 72" (1 per pkg.)
- 1 Pkg. adhesive bandages, 1" (16 per pkg.)
- 2 Pkgs. bandage compresses, 4" (1 per pkg.)
- 1 Pkg. eye dressing (1 per pkg.)
- 1 Pkg. scissors* and tweezers (1 each per pkg.)
- 2 Pkgs. triangular bandages, 40" (1 per pkg.)
- 1 Pkg. antiseptic soap or pads (3 per pkg.)
- 7 Pkgs. of consulting physician's choice**

24 Package Kit

- 2 Pkgs. absorbent gauze, 24" x 72" (1 per pkg.)
- 2 Pkgs. adhesive bandages, 1" (16 per pkg.)
- 2 Pkgs. bandage compresses, 4" (1 per pkg.)
- 1 Pkg. eye dressing (1 per pkg.)
- 1 Pkg. scissors* and tweezers (1 each per pkg.)
- 6 Pkgs. triangular bandages, 40" (1 per pkg.)
- 1 Pkg. antiseptic soap or pads (3 per pkg.)
- 9 Pkgs. of consulting physician's choice**

Number of Personnel Normally Assigned To Worksite	Minimum First Aid Supplies Required At Worksite
1 - 50 persons	First-Aid kit
1 - 5	10 package Kit
6 - 15	16 package kit
16 - 30	24 package kit
31 - 50	36 package kit

36 Package Kit

- 4 Pkgs. absorbent gauze, 24" x 72" (1 per pkg.)
- 2 Pkgs. adhesive bandages, 1" (16 per pkg.)
- 5 Pkgs. bandage compresses, 4" (1 per pkg.)
- 2 Pkgs. eye dressing (1 per pkg.)
- 1 Pkg. scissors* and tweezers (1 each per pkg.)
- 8 Pkgs. triangular bandages, 40" (1 per pkg.)
- 1 Pkg. antiseptic soap or pads (3 per pkg.)
- 13 Pkgs. of consulting physicians choice**

*Scissors shall be capable of cutting 2 layers (~~or~~ ~~off~~) of 15 oz. cotton cloth or its equivalent.

**First-aid kits shall be maintained at the ten, sixteen, twenty-four or thirty-six package level. In the event the consulting physician chooses not to recommend items, the department shall be contacted for recommended items to complete the kit.

(9) When practical, a poster shall be fastened and maintained either on or in the cover of each first-aid kit and at or near all phones plainly stating worksite address or location, the phone numbers of available doctors, hospitals, and ambulance services within the district of the worksite.

NOTE: Preprinted Form No. SP 900L is available from all safety division offices. First-aid kit Form No. SP 900S is also available.

(10) Where the eyes or body of any person may be exposed to injurious chemicals and/or materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided, within the work area, for immediate emergency use.

(11) When required by the department, two wool blankets or two fire retardent blankets, capable of supporting 250 pounds each, and a stretcher shall be available in addition to first-aid kits.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

✓ WAC 296-155-130 FIRST-AID STATION. (1) ~~(First-aid stations shall be located as close as practicable to the highest concentration of personnel.~~

~~(2))~~ First-aid stations shall be well marked and ~~((available to personnel during all working hours))~~ located as close as practical to the highest concentration of employees.

~~((3))~~ (2) One person holding a valid first-aid certificate shall be responsible for the proper use and maintenance of the first-aid station.

~~((4))~~ (3) First-aid stations shall be equipped with a minimum of two first-aid kits, the size of which shall be dependent upon the number of personnel normally employed at the worksite. One first-aid kit may be a permanent wall-mounted kit, but in all cases the station shall be equipped with at least one portable first-aid kit.

~~((5) When required by the department, the))~~ (4) The first-aid station shall be equipped with two wool blankets, or two fire retardent blankets capable of supporting 250 pounds each, and a stretcher in addition to first-aid kits.

~~((6))~~ (5) A roster, denoting the telephone numbers and addresses of doctors, hospitals and ambulance services available to the worksite, shall be posted at each first-aid station.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

✓ WAC 296-155-140 SANITATION. (1) Potable water. (a) An adequate supply of potable water shall be provided in all places of employment.

(b) Portable containers used to dispense drinking water shall be capable of being tightly closed(;) and equipped with a tap. Water shall not be dipped from containers.

(c) Any container used to distribute drinking water shall be clearly marked as to the nature of its contents and not used for any other purpose.

(d) The common drinking cup is prohibited.

(e) Where single service cups (to be used but once) are supplied, both a sanitary container for the unused cups and a receptacle for disposing of the used cups shall be provided.

(f) All water containers used to furnish drinking water shall be thoroughly cleaned at least once each week or ~~((often))~~ more often as conditions require.

(g) The requirements of this subsection do not apply to mobile crews or to normally unattended work locations as long as employees working at these locations have transportation immediately available, within the normal course of their duties, to nearby facilities otherwise meeting the requirements of this section.

(2) Wash water. (a) Clean, tepid wash water, between 70 and 100 degrees Fahrenheit, shall be provided at all construction sites.

(b) Individual hand towels shall be provided. Both a sanitary container for the unused towels and a receptacle for disposal of used towels shall be provided.

(c) Hand soap, industrial hand cleaner or similar cleansing agents shall be provided. Cleansing agents shall be adequate to remove any paints, coatings, herbicides, insecticides or other contaminants.

(d) The requirements of this subsection do not apply to mobile crews or to normally unattended work locations as long as employees working at these locations have transportation immediately available, within the normal course of their duties, to nearby facilities otherwise meeting the requirements of this section.

(3) Nonpotable water. (a) Outlets for nonpotable water, such as water for industrial or firefighting purposes only, shall be identified by signs meeting the requirements of Part E of this chapter, to indicate clearly that the water is unsafe and is not to be used for drinking, washing(;) or cooking purposes.

(b) There shall be no cross-connection, open or potential, between a system furnishing potable water ~~((and)),~~ a system furnishing nonpotable water or a system furnishing wash water.

~~((3))~~ (4) Toilets ~~((at construction jobsites)).~~ (a) Accessible toilets shall be provided for employees according to the following table:

~~((TABLE B-1~~

Number of Employees	Minimum Number of Facilities
1 - 20	1 toilet seat and 1 urinal
21 - 60	2 toilet seats and 2 urinals
61 - 70	3 toilet and 3 urinals
71 - 120	4 toilet seats and 4 urinals
121 - 150	5 toilet seats and 5 urinals
151 - 180	1 toilet seat and 1 urinal for each additional 40 employee or any fraction thereof.)

TABLE B-1

<u>Number of Employees</u>	<u>Toilets Required</u>
<u>1 - 10</u>	<u>1</u>
<u>11 - 25</u>	<u>2</u>
<u>26 - 40</u>	<u>3</u>
<u>41 - 60</u>	<u>4</u>
<u>61 - 80</u>	<u>5</u>
<u>Over 80</u>	<u>one additional toilet for each additional twenty employees or any fraction thereof.</u>

~~((NOTE:—~~

~~The prime contractor shall ensure the above toilet requirements are met.~~

~~(b) Under temporary field conditions not covered by subdivision (c) or (d) of this subsection, provisions shall be made to assure not less than one toilet facility is available.~~

~~(c) Job sites, not provided with a sanitary sewer, shall be provided with one of the following toilet facilities unless prohibited by local codes:~~

~~(i) Privies (where their use will not contaminate ground or surface water), for specifications refer to the general safety and health standards, WAC 296-24-13003;~~

~~(ii) Caustic chemical toilets, for specifications refer to the general safety and health standards WAC 296-24-13005;~~

~~(iii) Recirculating toilets, for specifications refer to the general safety and health standards WAC 296-24-13011;~~

~~(iv) Combustion toilets, for specifications refer to the general safety and health standards WAC 296-24-13009;~~

~~(v) Noncaustic chemical toilets, the) (b) Toilets shall be maintained in clean, sanitary and functional condition. Internal latches shall be provided to secure the units from inadvertent entry. Where there are twenty or more employees consisting of both sexes, facilities shall be provided for each sex.~~

(i) Each unit shall be properly cleaned on a routine basis.

(ii) Chemicals, toilet tissue and sanitary seat covers shall be maintained in a supply sufficient for use during the entire shift.

(iii) Any defective or inadequate unit shall be immediately removed from service.

(c) Specifications. The following specifications ((shall pertain)) apply:

((A)) (i) A noncaustic chemical toilet ((shall be)) (portable chemical toilet is) a self-contained unit equipped with a waste receiving chemical holding container.

((B)) (ii) Rooms, buildings(;) or shelters housing ((noncaustic chemical)) toilets shall be of sound construction ((and)), easy to clean, ((and shall)) provide shelter and provide privacy. The toilet rooms shall be ventilated to the outside and adequately lighted(, and). All openings into the toilet room shall be covered with 16-mesh screen.

((C) Noncaustic chemical)) (iii) Toilets shall be serviced on a regular schedule. Servicing shall include the use of a disinfectant for cleaning urinals and seats, removing waste from containers, recharging containers with an odor controlling chemical and installing an adequate supply of toilet tissue and seat covers.

((D)) (iv) Service ((must)) shall be performed in accordance with local codes by approved servicing organizations. Waste shall be disposed of or discharged in accordance with requirements of local health department regulations.

((E) Toilets shall be furnished on every third floor of multi-story worksites and shall be furnished to be within 200 feet horizontally of all employees.

(F) Portable containers for high-rise, tunnel or other nonaccessible work areas. A complete unit, i.e. seats and urinal with waste container should conform to regular unit standards except an enclosure is not required where an adequate shield or enclosure is provided in which the unit may be placed. The unit shall be returned to a convenient location on ground level in order to be serviced by a servicing company.

(G)) (v) Waste containers shall be fabricated from impervious materials, e.g. plastic, steel, fiberglass or their ((equal)) equivalent. Containers shall be water tight and capable of containing the chemical waste in a sanitary manner ((and)). The container shall be fitted to the building in a manner so as to prevent insects from entering from the exterior of the building. Containers shall be adequate in size to be used by the number of persons, according to the schedule for minimum requirements, without filling the container to more than half of its volume before ((regular schedule for)) regularly scheduled servicing.

((H)) (vi) Removal of waste shall be handled in a clean and sanitary manner by means of a vacuum hose and received by a leak-proof tank truck. All valves on the tank shall be leak-proof.

((I)) (vii) Provisions shall be made so service trucks have a clear approach and convenient access to the toilets ((which are)) to be serviced.

((J)) (viii) Disposal of waste from tank trucks ((must)) shall be in accordance with local health department requirements. In the absence of provisions by

local health departments, waste must be disposed of through municipal or district sanitary sewage systems. Municipal or area sanitary sewage districts shall provide sewage disposal locations and facilities which are adequate and convenient for duly authorized toilet service organizations.

(d) ~~The requirements of this ((section for sanitation facilities shall not apply to mobile crews having transportation readily available to nearby toilet facilities)) subsection do not apply to mobile crews or to normally unattended work locations as long as employees working at these locations have transportation immediately available, within the normal course of their duties, to nearby facilities otherwise meeting the requirements of this section.~~

~~((4)) (5)(a) On multi-employer worksites, the prime contractor shall ensure that the requirements of this section are met. Each employer is responsible for seeing that facilities for their own employees are provided.~~

(b) Each employer shall ensure, at the beginning of each shift, that the sanitation facilities required by this section are inspected. If any facility or unit fails to meet the following requirements, immediate corrective action shall be taken. Such action shall be documented and maintained at the site for at least 72 hours. Inspection shall establish:

(i) Potable water: Sufficient supply of water, sufficient supply of cups, container integrity, cleanliness of unit and area, capacity of trash receptacle (empty).

(ii) Wash water: Sufficient supply of clean water, proper temperature, sufficient supply of towels, sufficient supply of cleansing agents, container integrity, cleanliness of unit and area without the presence of physical hazards, capacity of trash receptacle (empty).

(iii) Toilets: Sufficient supply of toilet tissue and sanitary seat covers, capacity and condition of chemical agent, capacity and condition of holding tank, cleanliness of unit and area without the presence of physical hazards, physical and structural condition of unit, condition of lock, condition of toilet seat and tissue holder, absence of all foreign debris.

(c) The location of the facilities required by subsections (1), (2) and (4) of this section shall be as close as practical to the highest concentration of employees.

(i) On multistory structures they shall be furnished on every third floor.

(ii) At all sites they shall be located within 200 feet horizontally of all employees.

(iii) The requirements of subsection (5)(c)(i) and (ii) do not apply to mobile crews or to normally unattended work locations as long as employees working at these locations have transportation immediately available, within the normal course of their duties, to nearby facilities otherwise meeting the requirements of this section.

(6) Food handling. All employees' food service facilities and operations shall meet the applicable laws, ordinances(;) and regulations of the jurisdictions in which they are located.

~~((5)) (7) Temporary sleeping quarters. When temporary sleeping quarters are provided, they shall be heated, ventilated(;) and lighted.~~

~~((6) Washing facilities. The employer shall provide adequate washing facilities for employees engaged in the application of paints, coating, herbicides, or insecticides, or in other operations where contaminants may be harmful to the employees. Such facilities shall be in near proximity to the worksite and shall be so equipped as to enable employees to remove such substances.))~~

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

✓ WAC 296-155-155 NONIONIZING RADIATION. (1) Only qualified and trained employees shall be assigned to install, adjust, and operate laser equipment.

(2) Proof of qualification of the laser equipment operator shall be available and in possession of operator at all times.

(3) Employees, when working in areas in which a potentially hazardous exposure (see WAC 296-62-09005(4)) to direct or reflected laser radiation exists, shall be provided with antilaser eye protection devices specified in Part C of this chapter.

(4) Areas in which class II and III lasers are used shall be posted with standard laser warning placards.

(5) Beam shutters or caps shall be utilized, or the laser turned off, when laser transmission is not actually required. When the laser is left unattended for a substantial period of time, such as during lunch hour, overnight, or at change of shifts, the laser shall be turned off.

(6) Only mechanical or electronic means shall be used as a detector for guiding the internal alignment of the laser.

(7) The laser beam shall not be directed at employees.

(8) When it is raining or snowing, or when there is dust or fog in the air, and it is impracticable to cease laser system operation, employees shall be kept out of range of the area of source and target during such weather conditions.

(9) Laser equipment shall bear a conspicuously displayed label to indicate hazard classification. This label shall be prepared in accordance with 21 CFR 1040.10.

(10) Only Class I, II, or III laser equipment shall be used. Class IV laser equipment shall not be used.

(11) Laser unit in operation shall be set up above the heads of the employees, when possible.

(12) Employees shall not be exposed to radiofrequency/microwave radiation in excess of the permissible exposure limits specified in WAC 296-62-09005.

AMENDATORY SECTION (Amending Order 83-34, filed 11/30/83)

✓ WAC 296-155-160 GASES, VAPORS, FUMES, DUSTS, AND MISTS. (1) Exposure of employees to inhalation, ingestion, skin absorption, or contact with any material or substance at a concentration above those specified in the general occupational health standards, WAC 296-62-07515 shall be avoided.

(2) To achieve compliance with (1) of this section, administrative or engineering controls must first be implemented whenever feasible. When such controls are

not feasible to achieve full compliance, protective equipment or other protective measures shall be used to keep the exposure of employees to air contaminants within the limits prescribed in WAC 296-62-07515. Any equipment and technical measures used for this purpose must first be approved for each particular use by a competent industrial hygienist or other technically qualified person. Whenever respirators are used, their use shall comply with WAC 296-155-220.

(3) Subsections (1) and (2) of this section do not apply to the exposure of employees to airborne asbestos dust. Whenever any employee is exposed to airborne asbestos dust, the requirements of the general occupational health standards, WAC 296-62-07517 shall apply.

(4) Whenever internal combustion equipment exhausts in enclosed spaces, tests shall be made and recorded to ensure that employees are not exposed to unsafe concentrations of toxic gases or oxygen deficient atmospheres. See chapter 296-62 WAC, the General Occupational Health Standards.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-165 LIGHTING AND ILLUMINATION. (1) ((General. Construction areas, ramps, runways, corridors, offices, shops, and storage areas shall be lighted to not less than the minimum illumination intensities listed in Table B-3 while any work is in progress:

TABLE B-3

MINIMUM ILLUMINATION INTENSITIES IN FOOT-CANDLES

Foot-Candles	Area or operation
5	General construction area lighting.
3	General construction area, concrete placement, excavation and waste areas, accessways, active storage areas, loading platforms, refueling, and field maintenance areas.
5	Indoors: Warehouses, corridors, hallways, and exitways.
5	Tunnels, shafts, and general underground work areas: (Exception: Minimum of 10 foot-candles is required at tunnel and shaft heading during drilling, mucking, and scaling. Bureau of Mines approved cap lights shall be acceptable for use in the tunnel heading.)

TABLE B-3

MINIMUM ILLUMINATION INTENSITIES IN FOOT-CANDLES

Foot-Candles	Area or operation
10	General construction plant and shops (e.g., batch plants, screening plants, mechanical and electrical equipment rooms, carpenter shops, rigging lofts and active storerooms, barracks or living quarters, locker or dressing rooms, mess halls, and indoor toilets and workrooms).
30	First aid rooms, infirmaries, and offices.

(2) Other areas. For areas or operations not covered above, refer to the general occupational health standards, WAC 296-62-09003, for recommended values of illumination:)) Lighting which is adjusted to provide a margin of safety in production and inspection tasks shall be provided and maintained. The minimum level of task lighting in all indoor work places shall be an average of ten foot-candles measured thirty inches above the floor. MSHA approved cap lights are acceptable for use in tunnel headings.

(2) Whenever general lighting of an entire area is not provided, illumination sufficient to provide visibility of potentially hazardous objects and emergency control equipment shall be supplied. The minimum level of nontask lighting in all indoor work places shall be an average of three foot-candles measured thirty inches above the floor.

(3) Diffusion and distribution of artificial and natural light. Artificial light sources shall be installed with regard to mounting height, spacing and reflectors or other suitable accessories so as to secure a reasonably uniform distribution of illumination and to avoid glare and sharply defined shadows which could temporarily reduce a person's ability to see clearly.

NOTE: This section establishes minimal levels of illumination for safety purposes only. Guidelines pertaining to optimal levels of lighting and illumination may be found in Practice for Industrial Lighting ANSI/IES RP7-1979.

(4) The minimum levels specified in subsections (1) and (2) of this section represent averages with the lowest level in an area to be no less than fifty percent of the indicated value.

AMENDATORY SECTION (Amending Order 76-29, filed 9/30/76)

WAC 296-155-200 GENERAL REQUIREMENTS. (1) Application. (a) Protective equipment, including personal protective equipment for eyes, face, head, hearing, and extremities, protective clothing, respiratory devices, and protective shields and barriers, shall be used, and maintained in a sanitary and reliable condition wherever it is necessary by reason of hazards

of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact.

(b) Employee owned equipment. Where employees provide their own protective equipment, the employer shall be responsible to assure its adequacy, including proper maintenance and sanitation of such equipment.

(c) Design. All personal protective equipment shall be of safe design and construction for the work to be performed.

(2) Construction personnel shall comply with plant or job ~~((safe))~~ safety practices and procedures, peculiar to particular industries and plants, relating to protective equipment and procedures when engaged in construction work in such plants or job sites.

(3) The employer is responsible for requiring the wearing of appropriate personal protective equipment in all operations where there is an exposure to hazardous conditions or where this part indicates a need for using such equipment to reduce the hazards to the employees.

(4) Where there is a danger of contact with moving parts of machinery, or the work process is such that a ~~((similar))~~ hazard exists:

(a) The clothing of employees shall fit closely about the body.

(b) Dangling neck wear, bracelets, wristwatches, rings, or similar articles shall not be worn by employees.

~~(((c) Cranial and facial hair shall be completely confined or cut short.))~~

(5) Employees, whose duties are ~~((regularly))~~ performed in areas and under circumstances ~~((when))~~ where they are exposed to the danger of moving vehicles, shall wear work vests of highly visible materials, or equivalent distinguishing apparel.

(6) Employers shall ensure that employees wear no less than a short sleeved shirt, long pants, and shoes meeting the requirements of WAC 296-155-212. Employees shall wear no less than a short sleeved shirt, long pants, and shoes meeting the requirements of WAC 296-155-212.

NOTE: For additional personal protective and life saving equipment requirements, refer to the general safety and health standards, WAC 296-24-075 through 296-24-092.

AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

WAC 296-155-201 DEFINITIONS APPLICABLE TO THIS CHAPTER. (1) "Catenary life line" means a horizontal rope between two fixed anchorages, independent of the work surface, to which the lanyard is attached, either by tying or by means of a sliding connection. A catenary life line shall be capable of supporting a minimum dead weight of 5,400 pounds per person, applied at the midpoint of the line.

(2) "Contaminant" means any material which by reason of its action upon, within, or to a person or object is likely to cause physical harm.

~~(((2)))~~ (3) "Dropline" means a vertical rope from a fixed anchorage, independent of the work surface, to which the lanyard is affixed or tied.

(4) "Fixed anchorage" means a secure point of attachment, not a part of the work surface, for droplines, lifelines, catenary life lines, or lanyards. The fixed anchorage and its appurtenances shall be capable of supporting a minimum dead weight of 5,400 pounds per worker.

(5) "Lanyard" means a rope, suitable for supporting one person. One end is fastened to a safety belt or harness and the other end is secured to a substantial object or a safety line.

~~(((3)))~~ (6) "Lifeline" means a rope, suitable for supporting one person, to which a lanyard or safety belt (or harness) is attached.

~~(((4)))~~ (7) "O.D." means optical density and refers to the light refractive characteristics of a lens.

~~(((5)))~~ (8) "Radiant energy" means energy that travels outward in all directions from its source.

~~(((6)))~~ (9) "Safety belt" means a device, usually worn around the waist which, by reason of its attachment to a lanyard and lifeline or a structure, will prevent a worker from falling.

NEW SECTION

WAC 296-155-203 CONFINED SPACES. All work conducted in a confined space shall comply with the provisions of chapter 296-62 WAC and the following sections.

NEW SECTION

WAC 296-155-20301 DEFINITIONS. (1) Confined space - Any space having a limited means of egress which is subject to the accumulation of toxic or flammable contaminants or an oxygen deficient atmosphere. Confined spaces include but are not limited to storage tanks, process vessels, bins, boilers, ventilation or exhaust ducts, sewers, underground utility vaults, tunnels, pipelines and open top spaces more than 4 feet in depth, such as pits, tubes, vaults and vessels. (See WAC 296-62-14501(1)).

(2) Toxic atmospheres - Atmospheres having concentrations of airborne chemicals in excess of permissible exposure limits as defined in chapter 296-62 WAC.

(3) Chemical contact agents - Defined in WAC 296-62-07003.

(4) Oxygen deficient atmospheres - Atmospheres at sea level having less than 18% oxygen by volume or having a partial pressure of 135 millimeters of mercury or less. This may deviate when working at higher altitudes and should be determined for an individual location. Factors such as acclimatization, physical condition of persons involved, etc., must be considered for such circumstances and conditions. (See WAC 296-62-14501(4)).

(5) Flammable atmospheres - Atmospheres in excess of 20% of the lower explosive limit. These are usually toxic as well as flammable. (See WAC 296-62-14501(5)).

NEW SECTION

✓ WAC 296-155-20307 CONFINED SPACE WORK ON SEWER SYSTEMS UNDER CONSTRUCTION. New systems under construction or new installations which have not yet been connected to a used system, may substitute forced ventilation for the testing requirements of WAC 296-62-14523 provided:

- (1) Ventilation is effectively provided at least five minutes prior to entry into the confined space;
- (2) Ventilation is provided, as required by WAC 296-62-110, et seq., which supplies a continuous flow of air;
- (3) Ventilation exhaust is discharged so as to present no hazard to other employees;
- (4) A watchman is provided at the surface when there are employees in the manhole or pipe. The watchman shall not leave the manhole unattended until such time as all employees are out and the cover has been replaced; and
- (5) All other requirements for confined spaces are observed. See chapter 296-62 WAC.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

✓ WAC 296-155-205 HEAD PROTECTION. (1) ~~((Employees working in areas where there is a possible danger of head injury from impact, or from falling or flying objects, or from electrical shock and burns, shall be protected by protective helmets))~~ All persons on any construction site shall wear protective helmets. Employers shall provide protective helmets at no cost to the employee.

(a) Helmets for the protection of employees against impact and/or penetration of falling and flying objects shall meet the specifications contained in American National Standards Institute, Z89.1-1969, Safety Requirements for Industrial Head Protection.

(b) Helmets for the head protection of employees exposed to high voltage electrical shock and burns shall meet the specifications contained in American National Standards Institute, Z89.2-1971.

(2) Caps with metal buttons or metal visors shall not be worn around electrical hazards.

(3) Persons working near moving machinery or in locations which present a hair-catching or fire hazard shall wear caps, nets or other head and face protection that will completely contain the hair.

(4) Employers of members of the Old Order Amish or the Sikh Dharma Brotherhood will not be cited for the failure to provide head protection and requiring these members to wear head protection provided these members have so notified their employer of their religious objection to the wearing of hard hats, in writing.

(5) Employees working on asphalt paving crews when they are exposed to extreme temperatures from hot mix and when they are not exposed to falling objects need not wear protective helmets. Flaggers working in conjunction with asphalt paving operations shall wear protective helmets.

NEW SECTION

✓ WAC 296-155-211 LEG PROTECTION. Employees whose duties require them to operate a power chain saw shall wear flexible ballistic nylon pads, sewn or otherwise fastened into the trousers, or other equivalent protection that will protect the vulnerable areas of the legs.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

✓ WAC 296-155-212 FOOT PROTECTION. (1) Substantial footwear, made of leather or other equally firm material, shall be worn by employees in any occupation in which there is a danger of injury to the feet through falling or moving objects, or from burning, scalding, cutting, penetration, or like hazard.

(a) The soles and heels of such footwear shall be of a material that will not create a slipping hazard.

(b) Footwear that has deteriorated to a point where it does not provide the required protection shall not be used.

(2) Calks or other suitable footwear, which will afford reasonable protection from slipping, shall be worn while working on logs, poles, pilings, or similar (~~round timbers~~) forest products.

(3) Tennis shoes or thin or soft soled athletic shoes, open toed sandals, slippers, dress shoes or other similar type shoes shall not be worn.

AMENDATORY SECTION (Amending Order 76-29, filed 9/30/76)

✓ WAC 296-155-225 SAFETY BELTS, DROPLINES, LIFELINES, AND LANYARDS.

~~((NOTE: When temporary floors, staging, ladders, scaffolds or safety nets are provided, structural steel erectors (connectors) need not wear safety belts when the use of safety belts may provide an additional hazard. Follow-up steel erectors such as "bolters," "riveters," etc., are not exempt from this provision and must wear safety belts and lanyards and be tied off at all times, except when provided with a safety net.~~

~~(1) Where workers are employed 25 feet or more above the floor, ground, or water surface, and it is impracticable to provide temporary floors, staging, ladders, or scaffolds, safety nets or safety belts and life lines shall be provided and used.~~

~~(2))~~ (1) General.

(a) When work is to be performed from locations 10 feet or more in height guardrails or wire rope railings shall be installed.

(b) Safety belts shall be used when workers are exposed to the hazard of falling from buildings, bridges, structures, or construction members such as trusses, beams, purlins, or plates at elevations exceeding 10 feet above ground, water surface, or continuous floor level below.

(c) When requirements in (a) and (b) of this subsection are impractical, approved-type safety nets shall be used. WAC 296-155-230

(d) When the work is of limited duration and limited exposure, and the hazards involved in rigging and installing the safety devices required by this section equal or exceed the hazards involved in the actual construction, these provisions may be temporarily suspended for connectors only, provided adequate risk control is exercised under immediate competent supervision.

(2)(a) Safety belts and lanyards shall be worn by any worker exposed to a fall of ten feet or more from an elevated work area not otherwise protected by the provisions of this section. The anchor end of the lanyard shall be secured at a level not lower than the workman's waist, and at a horizontal distance not to exceed 6 feet. Where the waist level connection is not possible, connections at foot level may be permitted, provided that adequate risk control procedures are followed. Lanyards shall be secured to a substantial member of the structure or to securely rigged lines.

(b) If worker's duties require horizontal movement, rigging shall be provided so that the attached lanyard will slide along with him. Such rigging shall be provided for all suspended staging, outdoor advertising sign platforms, floats, and all other catwalks, or walkways 10 feet or more above the ground or level beneath.

(3) Lifelines, droplines, safety belts(;) and lanyards shall be used only for employee safeguarding. Any lifeline, safety belt(;) or lanyard actually subjected to in-service loading, as distinguished from static load testing, shall be immediately removed from service and shall not be used again for employee safeguarding.

~~((3) Lifelines)~~ (4) Droplines shall be secured to an anchorage or structural member capable of supporting a minimum dead weight of 5,400 pounds, and shall extend below the operation a sufficient distance to permit a safe landing but shall not touch the ground, walking surface, or safe landing area.

~~((4))~~ (5) Droplines or lifelines used on rock-scaling operations, or in areas where the lifeline may be subjected to cutting or abrasion, shall be a minimum of 7/8-inch wire core manila rope. For all other lifeline applications, a minimum of 3/4-inch manila or equivalent, with a minimum breaking strength of 5,400 pounds, shall be used.

~~((5))~~ (6) Safety belt lanyard shall be a minimum of 1/2-inch nylon, or equivalent, with a maximum length to provide for a fall of no greater than 6 feet. The rope shall have a nominal breaking strength of 5,400 pounds.

~~((6))~~ (7) All safety belt, harness, and lanyard hardware shall be drop forged or pressed steel, cadmium plated in accordance with type 1, Class B plating specified in Federal Specification QQ-P-416. Surface shall be smooth and free of sharp edges.

~~((7))~~ (8) All safety belt and lanyard hardware assemblies shall be capable of withstanding a tensile loading of 4,000 pounds without cracking, breaking, or taking a permanent deformation and shall conform to the requirements of ANSI A10.14-1975.

~~((8))~~ (9) No employee shall enter a gas main, sewer, sewer flue, duct, tunnel, or other similar place without

first notifying the ((foreman)) supervisor of his intention to do so. ((He shall wear a safety belt with lifeline attached, when conditions require it, the line being held by a fellow worker stationed at the opening through which he enters. In such cases signals shall be agreed upon, and failure of the worker to respond to a signal shall be sufficient cause for immediate investigation)) Employees entering such places shall wear a safety harness with attached retriever line. A watchman capable of maintaining communications at all times shall be stationed at the opening through which the worker entered. See WAC 296-62-145 through 296-62-14529.

(10) Safety belts, harnesses, lanyards, lifelines or droplines, independently attached or attended, shall be used while performing the following types of work when other equivalent type protection is not provided:

(a) Work in hoppers, bins, silos, tanks, or other confined spaces.

(b) Work on hazardous slopes, structural steel (except as provided in subsection (1)(d) of this section), erecting or dismantling safety nets, tying reinforcing bars, working on poles or from boatswains chairs at elevations greater than six feet (1.83 m), swinging scaffolds or other unguarded locations.

(c) Work on skips and platforms used in shafts by crews when the skip or cage does not occlude the opening to within one foot (30.5 cm) of the sides of the shaft, unless cages are provided.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-230 SAFETY NETS. (1) ((Safety nets shall be provided when workplaces are more than 25 feet above the ground or water surface, or other surface where the use of ladders, scaffolds, catch platforms, temporary floors, safety lines, or safety belts are impractical.

(2) Where safety net protection is required by this part, operations shall not be undertaken until the net is in-place and has been tested. The manufacturer's current certification of testing shall satisfy the requirements of this subsection.

(3) (a) Nets shall extend 8 feet beyond the edge of the work surface where employees are exposed and shall be installed as close under the work surface as practical but in no case more than 25 feet below such work surface. Nets shall be hung with sufficient clearance to prevent user's contact with the surfaces or structures below. Such clearances shall be determined by impact load testing:)) (a) Where the elevation is 10 feet or more above the ground, water surface, or level below, and when the use of safety belts and lifelines or more conventional types of protection are clearly impractical, the exterior and interior of the structure shall be provided with an approved-type safety net extending at least 8 feet horizontally from the perimeter and positioned at a safe distance not to exceed 10 feet vertically below the working surface. Nets shall be hung with sufficient clearance to prevent contact with the surfaces or structures below. Such clearances shall be determined by impact load testing.

(b) It is intended that only one level of nets be required for bridge construction.

(c) Safety nets shall be provided wherever workers are permitted to be underneath a work area not otherwise protected from falling objects. In such cases, nets shall be lined with a mesh of size and strength sufficient to contain tools and materials capable of causing injury. Net linings shall be of not more than 1-inch mesh and be constructed of synthetic twine not less than No. 18-inch size or of wire not less than 22 gauge.

~~((4))~~ (2) The mesh size of nets shall not exceed 6 inches by 6 inches. All new nets shall meet accepted performance standards of 17,500 foot-pounds minimum impact resistance as determined and certified by the manufacturers, and shall bear a label of proof test. Edge ropes shall provide a minimum breaking strength of 5,000 pounds.

~~((5))~~ (3) Forged steel safety hooks or shackles shall be used to fasten the net to its supports.

~~((6))~~ (4) Connections between net panels shall develop the full strength of the net.

(5) The safety net shall be tested on-the-job in the suspended position immediately following installation or major repair and at six-month intervals thereafter.

(6) The test shall consist of dropping a 400-pound bag of sand not more than 30 inches in diameter from a height of twenty-five feet above the net into the center of the net.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

✓ WAC 296-155-250 DEFINITIONS APPLICABLE TO THIS PART. (1) "Approved" for the purpose of this part, means equipment that has been listed or approved by a nationally recognized testing laboratory such as Factory Mutual Engineering Corp., or Underwriters' Laboratories, Inc., federal agencies such as ~~((Bureau of Mines))~~ United States Mine Safety and Health Administration or ~~((U.S.))~~ United States Coast Guard, which issue approvals for such equipment, or the department of labor and industries.

(2) "Closed container" means a container so sealed by means of a lid or other device that neither liquid nor vapor will escape from it at ordinary temperatures.

(3) "Combustible liquid" means any liquid having a flashpoint at or above 100°F (37.8°C). Combustible liquids shall be divided into two classes as follows:

(a) "Class II liquids" shall include those with flashpoints at or above 100°F (37.8°C) and below 140°F (60°C), except any mixture having components with flashpoints of 200°F (93.3°C) or higher, the volume of which make up 99 percent or more of the total volume of the mixture.

(b) "Class III liquids" shall include those with flashpoints at or above 140°F (60°C). Class III liquids are subdivided into two subclasses:

(i) "Class IIIA liquids" shall include those with flashpoints at or above 140°F (60°C) and below 200°F (93.3°C), except any mixture having components with flashpoints of 200°F (93.3°C), or higher, the total volume of which make up 99 percent or more of the total volume of the mixture.

(ii) "Class IIIB liquids" shall include those with flashpoints at or above 200°F (93.3°C). This section does not cover Class IIIB liquids. Where the term "Class III liquids" is used in this section, it shall mean only Class IIIA liquids.

(c) When a combustible liquid is heated for use to within 30°F (16.7°C) of its flashpoint, it shall be handled in accordance with the requirements for the next lower class of liquids.

(4) "Combustion" means any chemical process that involves oxidation sufficient to produce light or heat.

(5) "Fire brigade" means an organized group of employees that are knowledgeable, trained, and skilled in the safe evacuation of employees during emergency situations and in assisting in fire fighting operations.

(6) "Fire resistance" means so resistant to fire that, for specified time and under conditions of a standard heat intensity, it will not fail structurally and will not permit the side away from the fire to become hotter than a specified temperature. For purposes of this part, fire resistance shall be determined by the Standard Methods of Fire Tests of Building Construction and Materials, NFPA 251-72.

(7) "Flammable" means capable of being easily ignited, burning intensely or having a rapid rate of flame spread.

(8) "Flammable liquid" means any liquid having a flashpoint below 100°F (37.8°C), except any mixture having components with flashpoints of 100°F (37.8°C) or higher, the total of which make up 99 percent or more of the total volume of the mixture. Flammable liquids shall be known as Class I liquids. Class I liquids are divided into three classes as follows:

(a) Class IA shall include liquids having flashpoints below 73°F (22.8°C) and having a boiling point below 100°F (37.8°C).

(b) Class IB shall include liquids having flashpoints below 73°F (22.8°C) and having a boiling point at or above 100°F (37.8°C).

(c) Class IC shall include liquids having flashpoints at or above 73°F (22.8°C) and below 100°F (37.8°C).

(9) "Flashpoint" means the minimum temperature at which a liquid gives off vapor within a test vessel in sufficient concentration to form an ignitable mixture with air near the surface of the liquid, and shall be determined as follows:

(a) For a liquid which has a viscosity of less than 45 SUS at 100°F (37.8°C), does not contain suspended solids, and does not have a tendency to form a surface film while under test, the procedure specified in the Standard Method of Test for Flashpoint by Tag Closed Tester (ASTM D-56-70) shall be used.

(b) For a liquid which has a viscosity of 45 SUS or more at 100°F (37.8°C), or contains suspended solids, or has a tendency to form a surface film while under test, the Standard Method of Test for Flashpoint by Pensky-Martens Closed Tester (ASTM D-93-71) shall be used, except that the methods specified in Note 1 to section 1.1 of ASTM D-93-71 may be used for the respective materials specified in the note.

(10) "Liquified petroleum gases" "LPG" and "LP Gas" mean and include any material which is composed

predominantly of any of the following hydrocarbons, or mixtures of them, such as propane, propylene, butane (normal butane or isobutane), and butylenes.

(11) "Portable tank" means a closed container having a liquid capacity more than 60 U.S. gallons, and not intended for fixed installation.

(12) "Safety can" means an approved closed container, of not more than 5 gallons capacity, having a (~~flash-arresting screen~~) spring-closing lid and spout cover and so designed that it will safely relieve internal pressure when subjected to fire exposure.

(13) "Salamander" means a portable heating device, solid or liquid fueled, which is not vented to the outdoor atmosphere.

(14) "Vapor pressure" means the pressure, measured in pounds per square inch (absolute), exerted by a volatile liquid as determined by the "Standard Method of Test for Vapor Pressure of Petroleum Products (Reid Method)," (ASTM D-323-68).

AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

✓ WAC 296-155-260 FIRE PROTECTION. (1) General requirements. (a) The employer shall be responsible for development of a fire protection program to be followed throughout all phases of construction and demolition work, and he shall provide for firefighting equipment as specified in this part. As fire hazards occur, there shall be no delay in providing necessary equipment.

(b) Access to all available firefighting equipment shall be maintained at all times.

(c) All firefighting equipment, provided by the employer, shall be conspicuously located.

(d) All firefighting equipment shall be periodically inspected by a competent person, and maintained in operating condition. Defective equipment shall be immediately replaced.

(e) As warranted by the project, the employer shall provide a trained and equipped firefighting organization (fire brigade) to assure adequate protection to life.

(2) Water supply. (a) A temporary or permanent water supply, of sufficient volume, duration, and pressure, required to properly operate firefighting equipment shall be made available as soon as combustible materials accumulate.

(b) Where underground water mains are to be provided, they shall be installed, completed, and made available for use as soon as practicable.

(3) Portable firefighting equipment. (a) A fire extinguisher, rated not less than 2A, shall be provided for each 3,000 square feet of a combustible building area, or major fraction thereof. Travel distance from any point of the protected area to the nearest fire extinguisher shall not exceed a horizontal distance of 100 feet.

NOTE: One 55-gallon open drum of water with two fire pails may be substituted for a fire extinguisher having a 2A rating.

(b) A 1/2-inch diameter garden-type hose line, not to exceed 100 feet in length and equipped with a nozzle, may be substituted for a 2A-rated fire extinguisher, provided it is capable of discharging a minimum of 5 gallons per minute with a minimum hose stream range of 30 feet horizontally. The garden-type hose lines shall be mounted on conventional racks or reels. The number and location of hose racks or reels shall be such that at least one hose stream can be applied to all points in the area.

(c) One or more fire extinguishers, rated not less than 2A, shall be provided on each floor. In multistory buildings, where combustibles are present, at least one fire extinguisher shall be located adjacent to a stairway.

(d) Extinguishers and water drums, subject to freezing, shall be protected from freezing.

(e) A fire extinguisher, rated not less than 10B, shall be provided within 50 feet of wherever more than 5 gallons of flammable or combustible liquids or 5 pounds of flammable gas are being used on the jobsite. This requirement does not apply to the integral fuel tanks of motor vehicles.

(f) Carbon tetrachloride and other toxic vaporizing liquid fire extinguishers are prohibited.

(g) Portable fire extinguishers shall be inspected periodically and maintained in accordance with Maintenance and Use of Portable Fire Extinguishers, NFPA No. (~~10A-1972~~) 10A-1981 and the general safety and health standards, WAC 296-24-59007.

(h) Fire extinguishers which have been listed or approved by a nationally recognized testing laboratory, shall be used to meet the requirements of this part. (See table D-1)

Table D-1

KNOW YOUR FIRE EXTINGUISHERS

	WATER TYPE				FOAM	CARBON DIOXIDE	DRY CHEMICAL			
	STORED PRESSURE	CARTRIDGE OPERATED	WATER PUMP TANK	SODA ACID	FOAM	CO ₂	SODIUM OR POTASSIUM BICARBONATE	STORED PRESSURE	STUNG PRESSURE	CARTRIDGE OPERATED
CLASS A FIRES <small>WOOD, PAPER, TRASH HAVING GLOWING EMBERS</small> 	YES	YES	YES	YES	YES	NO <small>(BUT WILL CONTROL SMALL SURFACE FIRES)</small>	NO <small>(BUT WILL CONTROL SMALL SURFACE FIRES)</small>	NO <small>(BUT WILL CONTROL SMALL SURFACE FIRES)</small>	YES	YES
CLASS B FIRES <small>FLAMMABLE LIQUIDS, GASOLINE, OIL, PAINTS, GREASE, ETC.</small> 	NO	NO	NO	NO	YES	YES	YES	YES	YES	YES
CLASS C FIRES <small>ELECTRICAL EQUIPMENT</small> 	NO	NO	NO	NO	NO	YES	YES	YES	YES	YES
CLASS D FIRES <small>COMBUSTIBLE METALS</small> 	SPECIAL EXTINGUISHING AGENTS APPROVED BY RECOGNIZED TESTING LABORATORIES									
METHOD OF OPERATION	PULL PIN - SQUEEZE HANDLE	TURN UPSIDE DOWN AND PUMP	PUMP HANDLE	TURN UPSIDE DOWN	TURN UPSIDE DOWN	PULL PIN - SQUEEZE LEVER	RUPTURE CARTRIDGE SQUEEZE LEVER	PULL PIN SQUEEZE HANDLE	PULL PIN - SQUEEZE HANDLE	RUPTURE CARTRIDGE SQUEEZE LEVER
RANGE	30' - 40'	30' - 40'	30' - 40'	30' - 60'	30' - 40'	3' - 8'	5' - 20'	5' - 20'	5' - 20'	5' - 20'
MAINTENANCE	CHECK AIR PRESSURE GAUGE MONTHLY	WEIGH GAS CARTRIDGE AND WATER IF REQUIRED ANNUALLY	DISCHARGE AND FILL WITH WATER ANNUALLY	DISCHARGE ANNUALLY - RECHARGE	DISCHARGE ANNUALLY - RECHARGE	WEIGH SIMI ANNUALLY	WEIGH GAS CARTRIDGE - CHECK CONDITION OF DRY CHEMICAL ANNUALLY	CHECK PRESSURE GAUGE AND CONDITION OF DRY CHEMICAL ANNUALLY	CHECK PRESSURE GAUGE AND CONDITION OF DRY CHEMICAL ANNUALLY	WEIGH GAS CARTRIDGE - CHECK CONDITION OF DRY CHEMICAL ANNUALLY

NOTE: One hundred feet, or less, of 1-1/2 inch hose, with a nozzle capable of discharging water at 25 gallons or more per minute, may be substituted for a fire extinguisher rated not more than 2A in the designated area provided that the hose line can reach all points in the area.

(i) If fire hose connections are not compatible with local firefighting equipment, the contractor shall provide adapters, or equivalent, to permit connections.

(j) During demolition involving combustible materials, charged hose lines, supplied by hydrants, water tank trucks with pumps, or equivalent, shall be made available.

(4) Fixed firefighting equipment. (a) Sprinkler protection. (i) If the facility being constructed includes the installation of automatic sprinkler protection, the installation shall closely follow the construction and be placed in service as soon as applicable laws permit following completion of each story.

(ii) During demolition or alterations, existing automatic sprinkler installations shall be retained in service as long as reasonable. The operation of sprinkler control valves shall be permitted only by properly authorized persons.

NOTE: Modification of sprinkler systems to permit alterations or additional demolition should be expedited so that the automatic protection may be returned to service as quickly as possible.

Sprinkler control valves shall be checked daily at close of work to ascertain that the protection is in service.

(b) Standpipes. In all structures in which standpipes are required, or where standpipes exist in structures being altered, they shall be brought up as soon as applicable laws permit, and shall be maintained as construction progresses in such a manner that they are always ready for fire protection use. The standpipes shall be provided with Siamese fire department connections on the outside of the structure, at the street level, which shall be conspicuously marked. There shall be at least one standard hose outlet at each floor.

(5) Fire alarm devices. (a) An alarm system, e.g., telephone system, siren, etc., shall be established by the employer whereby employees on the site and the local fire department can be alerted for an emergency.

(b) The alarm code and reporting instructions shall be conspicuously posted at phones and at employee entrances.

(6) Fire cutoffs. (a) Fire walls and exit stairways, required for the completed buildings, shall be given construction priority. Fire doors, with automatic closing devices, shall be hung on openings as soon as ((practically)) practical.

(b) Fire cutoffs shall be retained in buildings undergoing alterations or demolition until operations necessitate their removal.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

✓ **WAC 296-155-270 FLAMMABLE AND COMBUSTIBLE LIQUIDS.** (1) General requirements. (a) Only approved containers and portable tanks shall be used for storage and handling of flammable and combustible liquids. Approved metal safety cans shall be used for the handling and use of flammable liquids in quantities greater than one gallon, except that this shall not apply to those flammable liquid materials which are highly viscid highly (extremely hard to pour), which may be used and handled in original shipping containers. For quantities of one gallon or less, only the original container or approved metal safety cans shall be used for storage, use, and handling of flammable liquids.

(b) Flammable or combustible liquids shall not be stored in areas used for exits, stairways, or normally used for the safe passage of people.

(c) Flammable and combustible liquid containers shall be legibly marked to indicate their contents. Each storage container for flammable or combustible liquids, with a capacity of 50 gallons or more, shall have the contents of the container identified by a sign of clearly visible contrasting colors with letters at least 3 inches high, painted on the container at the discharge valve and at the fill point.

(d) Gasoline shall not be used as a solvent or a cleaning agent.

(2) Indoor storage of flammable and combustible liquids. (a) No more than 25 gallons of flammable or combustible liquids shall be stored in a room outside of an approved storage cabinet. For storage of liquid petroleum gas, see WAC 296-155-275.

(b) Quantities of flammable and combustible liquid in excess of 25 gallons shall be stored in an acceptable or approved cabinet meeting the following requirements:

(i) Acceptable wooden storage cabinets shall be constructed in the following manner, or equivalent: The bottom, sides, and top shall be constructed of an exterior grade of plywood at least 1 inch in thickness, which shall not break down or delaminate under standard fire test conditions. All joints shall be rabbeted and shall be fastened in two directions with flathead wood screws, when more than one door is used, there shall be a rabbeted overlap of not less than 1 inch. Steel hinges shall be mounted in such a manner as to not lose their holding capacity due to loosening or burning out of the screws when subjected to fire. Such cabinets shall be painted inside and out with fire retardant paint.

(ii) Approved metal storage cabinets will be acceptable.

(iii) Cabinets shall be labeled in conspicuous lettering, "Flammable—Keep fire away."

(c) Not more than 60 gallons of flammable or 120 gallons of combustible liquids shall be stored in any one storage cabinet. Not more than three such cabinets may be located in a single storage area. Quantities in excess of this shall be stored in an inside storage room.

(d) (i) Inside storage room shall be constructed to meet the required fire-resistive rating for their use. Such

construction shall comply with the test specifications set forth in Standard Methods of Fire Test of Building Construction and Material, NFPA 251-1972.

(ii) Where an automatic extinguishing system is provided, the system shall be designed and installed in an approved manner. Openings to other rooms or buildings shall be provided with noncombustible liquid-tight raised sills or ramps at least 4 inches in height, or the floor in the storage area shall be at least 4 inches below the surrounding floor. Openings shall be provided with approved self-closing fire doors. The room shall be liquid-tight where the walls join the floor. A permissible alternate to the sill or ramp is an open-grated trench, inside of the room, which drains to a safe location. Where other portions of the building or other buildings are exposed, windows shall be protected as set forth in the Standard for Fire Doors and Windows, NFPA No. ((80-1970)) 80-1983, for Class E or F openings. Wood of at least 1-inch nominal thickness may be used for shelving, racks, dunnage, scuffboards, floor overlay and similar installations.

(iii) Materials which will react with water and create a fire hazard shall not be stored in the same room with flammable or combustible liquids.

(iv) Storage in inside storage rooms shall comply with Table D-2 following:

TABLE D-2

Fire protection provided	Fire resistance	Maximum size	Total allowable quantities gals./sq. ft./floor area
Yes	2 hrs.	500 sq. ft.	10
No	2 hrs.	500 sq. ft.	4
Yes	1 hr.	150 sq. ft.	5
No	1 hr.	150 sq. ft.	2

NOTE: Fire protection system shall be sprinkler, water spray, carbon dioxide or other system approved by a nationally recognized testing laboratory for this purpose.

(v) Electrical wiring and equipment located in inside storage rooms shall be approved for Class 1, Division 1, hazardous locations. For definition of Class 1, Division 1, hazardous locations, see WAC 296-155-455.

(vi) Every inside storage room shall be provided with either a gravity or a mechanical exhausting system. Such system shall commence not more than 12 inches above the floor and be designed to provide for a complete change of air within the room at least 6 times per hour. If a mechanical exhausting system is used, it shall be controlled by a switch located outside of the door. The ventilating equipment and any lighting fixtures shall be operated by the same switch. An electric pilot light shall be installed adjacent to the switch if flammable liquids are dispensed within the room. Where gravity ventilation

is provided, the fresh air intake, as well as the exhausting outlet from the room, shall be on the exterior of the building in which the room is located.

(vii) In every inside storage room there shall be maintained one clear aisle at least 3 feet wide. Containers over 30 gallons capacity shall not be stacked one upon the other.

(viii) Flammable and combustible liquids in excess of that permitted in inside storage rooms shall be stored outside of buildings in accordance with subsection (3) of this section.

(3) Storage outside buildings. (a) Storage of containers (not more than 60 gallons each) shall not exceed 1,100 gallons in any one pile or area. Piles or groups of containers shall be separated by a 5-foot clearance. Piles or groups of containers shall not be nearer than 20 feet to a building.

(b) Within 200 feet of each pile of containers, there shall be a 12-foot-wide access way to permit approach of fire control apparatus.

(c) The storage area shall be graded in a manner to divert possible spills away from buildings or other exposures, or shall be surrounded by a curb or earth dike at least 12 inches high. When curbs or dikes are used, provisions shall be made for draining off accumulations of ground or rain water, or spills of flammable or combustible liquids. Drains shall terminate at a safe location and shall be accessible to operation under fire conditions.

(d) Outdoor portable tank storage. (i) Portable tanks shall not be nearer than 20 feet from any building. Two or more portable tanks, grouped together, having a combined capacity in excess of 2,200 gallons, shall be separated by a 5-foot-clear area. Individual portable tanks exceeding 1,100 gallons shall be separated by a 5-foot-clear area.

(ii) Within 200 feet of each portable tank, there shall be a 12-foot-wide access way to permit approach of fire control apparatus.

(e) Storage areas shall be kept free of weeds, debris, and other combustible material not necessary to the storage.

(f) Portable tanks, not exceeding 660 gallons, shall be provided with emergency venting and other devices, as required by chapters III and IV of NFPA 30-1972, The Flammable and Combustible Liquids Code.

(g) Portable tanks, in excess of 660 gallons, shall have emergency venting and other devices, as required by chapters II and III of the Flammable and Combustible Liquids Code, NFPA 30-1972.

(4) Fire control for flammable or combustible liquid storage. (a) At least one portable fire extinguisher, having a rating of not less than 20-B units, shall be located outside of, but not more than 10 feet from, the door opening into any room used for storage of more than 60 gallons of flammable or combustible liquids.

(b) At least one portable fire extinguisher having a rating of not less than 20-B units shall be located not less than 25 feet, nor more than 75 feet, from any flammable liquid storage area located outside.

(c) When sprinklers are provided, they shall be installed in accordance with the Standard for the Installation of Sprinkler Systems, NFPA 13-1972.

(d) At least one portable fire extinguisher having a rating of not less than 20-B:C units shall be provided on all tank trucks or other vehicles used for transporting and/or dispensing flammable or combustible liquids.

(5) Dispensing liquids. (a) Areas in which flammable or combustible liquids are transferred at the same time, in quantities greater than 5 gallons from one tank or container to another tank or container, shall be separated from other operations by 25-foot distance or by construction having a fire-resistance of at least 1 hour. Drainage or other means shall be provided to control spills. Adequate natural or mechanical ventilation shall be provided to maintain the concentration of flammable vapor at or below 10 percent of the lower flammable limit.

(b) Transfer flammable liquids from one container to another shall be done only when containers are electrically interconnected (bonded).

(c) Flammable or combustible liquids shall be drawn from or transferred into vessels, containers, or tanks within a building or outside only through a closed piping system, from safety cans, by means of a device drawing through the top, or from a container, or portable tanks, by gravity or pump, through an approved self-closing valve. Transferring by means of air pressure on the container or portable tank is prohibited.

(d) The dispensing units shall be protected against collision damage.

(e) Dispensing devices and nozzles for flammable liquids shall be of an approved type, as required by WAC 296-24-33015.

(6) Handling liquids at point of final use. (a) Flammable liquids shall be kept in closed containers when not actually in use.

(b) Leakage or spillage of flammable or combustible liquids shall be disposed of promptly and safely.

(c) Flammable liquids shall be used only where there are no open flames or other sources of ignition within 50 feet of the operation, unless conditions warrant greater clearance.

(7) Service and refueling areas. (a) Flammable or combustible liquids shall be stored in approved closed containers, in tanks located underground, or in above-ground portable tanks.

(b) The tank trucks shall comply with the requirements covered in the Standard for Tank Vehicles for Flammable and Combustible Liquids, NFPA No. ((385-1971)) 385-1977.

(c) The dispensing hose shall be an approved type.

(d) The dispensing nozzle shall be an approved automatic-closing type ((without a latch-open device)).

(e) Underground tanks shall not be abandoned.

(f) Clearly identified and easily accessible switch(es) shall be provided at a location remote from dispensing devices to shut off the power to all dispensing devices in the event of an emergency.

(g) (i) Heating equipment of an approved type may be installed in the lubrication or service area where there is no dispensing or transferring of flammable liquids, provided the bottom of the heating unit is at least 18 inches above the floor and is protected from physical damage.

(ii) Heating equipment installed in lubrication or service areas, where flammable liquids are dispensed, shall be of an approved type for garages, and shall be installed at least 8 feet above the floor.

(h) There shall be no smoking or open flames in the areas used for fueling, servicing fuel systems for internal combustion engines, receiving or dispensing of flammable or combustible liquids.

(i) Conspicuous and legible signs prohibiting smoking shall be posted.

(j) The motor(s) of ~~any~~ any equipment being fueled shall be shut off during the fueling operation.

(k) Each service or fueling area shall be provided with at least one fire extinguisher having a rating of not less than 20BC located so that an extinguisher will be within 75 feet of each pump, dispenser, underground fill pipe opening, and lubrication or service area.

AMENDATORY SECTION (Amending Order 76-29, filed 9/30/76)

✓ WAC 296-155-275 LIQUEFIED PETROLEUM GAS (LP-GAS). (1) Approval of equipment and systems. (a) Each system shall have containers, valves, connectors, manifold valve assemblies, and regulators of an approved type.

(b) All cylinders shall meet the department of transportation specification identification requirements published in 49 CFR Part 178, Shipping Container Specifications.

(2) Welding on LP-gas containers. Welding is prohibited on containers.

(3) Container valves and container accessories. (a) Valves, fittings, and accessories connected directly to the container, including primary shut off valves, shall have a rated working pressure of at least 250 p.s.i.g. and shall be of material and design suitable for LP-gas service.

(b) Connections to containers, except safety relief connections, liquid level gauging devices, and plugged openings, shall have shutoff valves located as close to the container as practicable.

(4) Safety devices. (a) Every container and every vaporizer shall be provided with one or more approved safety relief valves or devices. These valves shall be arranged to afford free vent to the outer air with discharge not less than 5 feet horizontally away from any opening into a building which is below such discharge.

(b) Shutoff valves shall not be installed between the safety relief device and the container, or the equipment or piping to which the safety relief device is connected, except that a shutoff valve may be used where the arrangement of this valve is such that full required capacity flow through the safety relief device is always afforded.

(c) Container safety relief devices and regulator relief vents shall be located not less than 5 feet in any direction from air openings into sealed combustion system appliances or mechanical ventilation air intakes.

(5) Dispensing. (a) Filling of fuel containers for trucks or motor vehicles from bulk storage containers shall be performed not less than 10 feet from the nearest masonry-walled building, or not less than 25 feet from

the nearest building or other construction and, in any event, not less than 25 feet from any building opening.

(b) Filling of portable containers or containers mounted on skids from storage containers shall be performed not less than 50 feet from the nearest building.

(6) Requirements for appliances. (a) LP-gas consuming appliances shall be approved types.

(b) Any appliance that was originally manufactured for operation with a gaseous fuel other than LP-gas, and is in good condition, may be used with LP-gas only after it is properly converted, adapted, and tested for performance with LP-gas before the appliance is placed in use.

(7) Containers and regulating equipment installed outside of buildings or structures. containers shall be upright upon firm foundations or otherwise firmly secured. The possible effect on the outlet piping of settling shall be guarded against by a flexible connection or special fitting.

(8) Containers and equipment used inside of buildings or structures. (a) When operational requirements make portable use of containers necessary, and their location outside of buildings or structures is ~~((impracticable))~~ impractical, containers and equipment ~~((shall be))~~ are permitted to be used inside of buildings or structures in accordance with ~~((subdivisions))~~ (b) through (k) of this subsection. In addition, there may be provisions of this section that are applicable to the particular use or occupancy.

(b) "Containers in use" means connected for use.

(c) Systems utilizing containers having a water capacity greater than 2 1/2-pounds (nominal 1 pound LP-gas capacity) shall be equipped with excess flow valves. Such excess flow valves shall be either integral with the container valves or in the connections to the container valve outlets.

(d) Regulators, when required, shall be either directly connected to the container valves or to manifolds connected to the container valves. The regulator shall be suitable for use with LP-gas. Manifolds and fittings connecting containers to pressure regulator inlets shall be designed for at least 250 p.s.i.g. service pressure.

(e) Valves on containers having water capacity greater than 50 pounds (nominal 20 pounds LP-gas capacity) shall be protected from damage while in use or storage.

(f) Aluminum piping or tubing shall not be used.

(g) Hose shall be designed for a working pressure of at least 250 p.s.i.g. Design, construction, and performance of hose, and hose connections shall have their suitability determined by listing by a nationally recognized testing agency. The hose length shall be as short as ~~((practicable))~~ practical. Hoses shall be long enough to permit compliance with spacing provisions of ~~((subdivisions))~~ (a) through (m) of this subsection, without kinking or straining, or causing hose to be so close to a burner as to be damaged by heat.

(h) Portable heaters, including salamanders, shall be equipped with an approved automatic device to shut off the flow of gas to the mainburner, and pilot if used, in the event of flame failure. Such heaters, having inputs above 50,000 BTU per hour, shall be equipped with either a pilot, which must be lighted and proved before the

main burner can be turned on, or an electrical ignition system.

NOTE: The provisions of this subdivision do not apply to portable heaters under 7,500 BTU per hour input when used with containers having a maximum water capacity of 2 1/2 pounds.

(i) Container valves, connectors, regulators, manifolds, piping, and tubing shall not be used as structural supports for heaters.

(j) Containers, regulating equipment, manifolds, pipe, tubing, and hose shall be located to minimize exposure to high temperatures or physical damage.

(k) Containers having a water capacity greater than 2 1/2 pounds (nominal 1 pound LP-gas capacity) connected for use shall stand on a firm and substantially level surface and, when necessary, shall be secured in an upright position.

(l) The maximum water capacity of individual containers shall be 245 pounds (nominal 100 pounds LP-gas capacity).

(m) For temporary heating, heaters (other than integral heater-container units) shall be located at least 6 feet from any LP-gas container. This shall not prohibit the use of heaters specifically designed for attachment to the container or to a supporting standard, provided they are designed and installed so as to prevent direct or radiant heat application from the heater onto the containers. Blower and radiant type heaters shall not be directed toward any LP-gas container within 20 feet.

(n) If two or more heater-container units, of either the integral or nonintegral type, are located in an unpartitioned area on the same floor, the container or containers of each unit shall be separated from the container or containers of any other unit by at least 20 feet.

(o) When heaters are connected to containers for use in an unpartitioned area on the same floor, the total water capacity of containers, manifolded together for connection to a heater or heaters, shall not be greater than 735 pounds (nominal 300 pounds LP-gas capacity). Such manifolds shall be separated by at least 20 feet.

(p) Storage of containers awaiting use shall be in accordance with subsections (10) and (11) of this section.

(9) Multiple container systems. (a) Valves in the assembly of multiple container systems shall be arranged so that replacement of containers can be made without shutting off the flow of gas in the system. This provision is not to be construed as requiring an automatic change-over device.

(b) Heaters shall be equipped with an approved regulator in the supply line between the fuel cylinder and the heater unit. Cylinder connectors shall be provided with an excess flow valve to minimize the flow of gas in the event the fuel line becomes ruptured.

(c) Regulators and low-pressure relief devices shall be rigidly attached to the cylinder valves, cylinders, supporting standards, the building walls, or otherwise rigidly secured, and shall be so installed or protected from the elements.

(10) Storage of LPG containers. Storage of LPG within building is prohibited.

(11) Storage outside of buildings. (a) Storage outside of buildings, for containers awaiting use, shall be located from the nearest building or group of buildings, in accordance with Table D-3:

TABLE D-3

Quantity of LP-gas stored:	Distance (feet)
500 lbs. or less _____	0
501 to 6,000 lbs. _____	10
6,001 to 10,000 lbs. _____	20
Over 10,000 lbs. _____	25

(b) Containers shall be in a suitable ventilated enclosure or otherwise protected against tampering, or possible damage by vehicular traffic.

(12) Fire protection. Storage locations shall be provided with at least one approved portable fire extinguisher having a rating of not less than 20-B:C.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

✓ **WAC 296-155-300 ACCIDENT PREVENTION SIGNS AND TAGS.** (1) General. Signs and symbols required by this section shall be visible at all times when work is being performed, and shall be removed or covered promptly when the hazards no longer exist.

(2) Danger signs. (a) Danger signs (see Figure E-1) shall be used only where an immediate hazard exists.

(b) Danger signs shall have red as the predominating color for the upper panel; black outline on the borders; and a white lower panel for additional sign wording.

(3) Caution signs. (a) Caution signs (see Figure E-2) shall be used only to warn against potential hazards or to caution against unsafe practices.

(b) Caution signs shall have yellow as the predominating color; black upper panel and borders; yellow lettering of "caution" on the black panel; and the lower yellow panel for additional sign wording. Black lettering shall be used for additional wording.



FIGURE E-1



FIGURE E-2

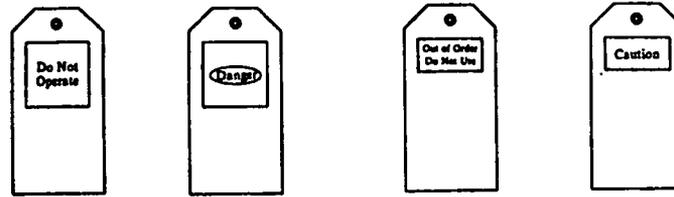


TABLE E-1

Basic Stock (Background)	Safety Colors (Ink)	Copy Specification (Letters)
White	Red	Do Not Operate
White	Black and Red	Danger
Yellow	Black	Caution
White	Black	Out of Order- Do Not Use

(4) Exit signs. (a) Every exit sign shall have the word "exit" in plainly legible letters not less than 6 inches high, with the principal strokes of letters not less than three-fourths-inch wide.

(b) Every exit sign shall be distinctive in color and shall provide contrast with decorations, interior finish, or other signs.

(5) Safety instruction signs. Safety instruction signs, when used, shall be white with green upper panel with white letters to convey the principal message. Any additional wording on the sign shall be black letters on the white background.

(6) Directional signs. Directional signs, other than automotive traffic signs specified in subsection (7) of this section, shall be white with a black panel and a white directional symbol. Any additional wording on the sign shall be black letters on the white background.

(7) Traffic signs. (a) Construction areas shall be posted with legible traffic signs at points of hazard.

(b) All traffic control signs or devices used for protection of construction workers shall conform to American National Standards Institute ((~~D6.1-1971~~)) D6.1-1978, Manual on Uniform Traffic Control Devices for Streets and Highways as amended by the Washington state department of ((highways)) transportation (M24-OT (HT)).

(8) Accident prevention tags. (a) Accident prevention tags shall be used as a temporary means of warning employees of an existing hazard, such as defective tools, equipment, etc. They shall not be used in place of, or as a substitute for, accident prevention signs.

(b) Specifications for accident prevention tags similar to those in Table E-1 shall apply.

(i) Additional rules. American National Standards Institute (ANSI) Z35.1-((1968))1972, Specifications for Accident Prevention signs, and Z35.2-1968, Specifications for Accident Prevention Tags, contain rules which are additional to the rules prescribed in this section. The employer shall comply with ANSI Z35.1-((1968))1972 and Z35.2-1968 with respect to rules not specifically prescribed in this Part.

AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

✓WAC 296-155-305 SIGNALING. (1) ((Flagman)) Flaggers. (a) When operations are such that signs, signals, and barricades do not provide the necessary protection on or adjacent to a highway or street, ((flagmen)) flaggers or other appropriate traffic controls shall be provided.

(b) Signaling directions by ((flagmen)) flaggers shall conform to American National Standards Institute ((~~D6.1-1971~~)) D6.1-1978, Manual on Uniform Traffic Control Devices for Streets and Highways, as amended by the Washington state department of ((highways)) transportation. (M24-01 (HT).)

(c) Hand signaling by ((flagmen)) flaggers shall be by use of sign paddles at least 18 inches in diameter with series "C" letters at least 6 inches high or lights approved by the transportation commission. When hand signaling is done in periods of darkness, the sign paddles must be reflectorized or illuminated as required by ANSI ((~~D6.1-1971~~)) D6.1-1978, manual on uniform traffic control devices. The "STOP" side of the paddle shall have a red background with white lettering. When a paddle has a "SLOW" side, the background shall be orange and the lettering black. Colors shall conform to ANSI ((~~D6.1-1971~~)) D6.1 current edition.

(d) ((Flagmen)) Flaggers shall wear ((a red or)) an orange warning garment and a yellow protective helmet

while flagging. Warning garments worn at night shall be of reflectorized material.

(e) ~~((Flagmen shall complete a Washington state approved flagging course, or the equivalent, prior to being assigned duties as a flagman))~~ Each flagger shall have in their possession a valid certificate of completion of an approved flagging course.

NOTE: Personnel that have not completed a flagging course may be assigned duties as ~~((flagmen))~~ flaggers only during emergencies when a sudden, generally unexpected, set of circumstances demands immediate attention.

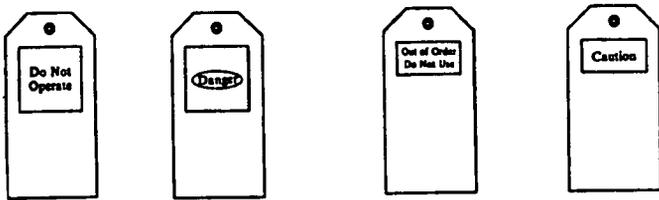


TABLE E-1

White tag- White letters on red square	White tag- White letters on red oval with a black square	Yellow tag- Yellow letters on a black background	White tag- White letters on black background
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Basic Stock (Background)	Safety Colors (Ink)	Copy Specification (Letters)
White	Red	Do Not Operate
White	Black and Red	Danger
Yellow	Black	Caution
White	Black	Out of Order- Do Not Use

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

✓ **WAC 296-155-325 GENERAL REQUIREMENTS FOR STORAGE.** (1) General. (a) All materials stored in tiers shall be stacked, racked, blocked, interlocked, or otherwise secured to prevent sliding, falling or collapse.

(b) Maximum safe load limits of floors within buildings and structures, in pounds per square foot, shall be conspicuously posted in all storage areas, except for floor or slab on grade. Maximum safe loads shall not be exceeded.

(c) Aisles and passageways shall be kept clear to provide for the free and safe movement of material handling equipment or employees. Such areas shall be kept in good repair.

(d) When a difference in road or working levels exist, means such as ramps, blocking, or grading shall be used to ensure the safe movement of vehicles between the two levels.

(2) Material storage. (a)(i) Material stored inside buildings under construction shall not be placed within 6 feet of any hoistway or inside floor openings, nor within 10 feet of an exterior wall which does not extend above the top of the material stored.

(ii) Temporary floors, used in steel erection, concrete forms and shoring (i.e., stripped forms, shoring jacks, clamps, steel rods or pipes, base plates, etc.) placed within close proximity to an open-sided floor for movement to another tier for placement, shall be considered "in-process equipment and subject to the provisions contained in Parts "O" and "P" of this standard. When this type equipment is to be left overnight or for longer periods of time it shall be anchored and braced to prevent displacement in any direction. In addition this equipment shall be subject to the provisions of this subsection while in "interim storage."

(b) Employees required to work on stored material in silos, hoppers, tanks, and similar storage areas shall be equipped with lifelines and safety belts meeting the requirements of WAC 296-155-225, Part C.

(c) Noncompatible materials shall be segregated in storage.

(d) Bagged materials shall be stacked by stepping back the layers and cross-keying the bags at least every 10 bags high.

(i) When cement and lime is delivered in paper bags they shall be carefully handled to prevent the bags bursting.

(ii) Cement and lime bags shall not be piled more than ten bags high except when stored in bins or enclosures built for the purpose of storage.

(iii) When bags are removed from the pile, the length of the pile shall be kept at an even height, and the necessary step backs every five bags maintained.

(iv) Persons handling cement and lime bags shall wear ~~((goggles and tight neck and arm bands))~~ eye protection which prevents contact between the substance and the worker's eyes (such as goggles or other sealed eye protection) and shall wear long sleeve shirts with close fitting collar and cuffs.

(v) Persons shall be warned against wearing clothing that has become hard and stiff with cement.

(vi) Persons shall be instructed to report any susceptibility of their skin to cement and lime burns.

(vii) A hand cream or vaseline and eye wash shall be provided and kept ready for use to prevent burns.

(viii) Lime shall be stored in a dry place to prevent a premature slacking action that may cause fire.

(e) Materials shall not be stored on scaffolds or runways in excess of supplies needed for immediate operations.

(f) Brick stacks shall not be more than 7 feet in height. When a loose brick stack reaches a height of 4 feet, it shall be tapered back 2 inches in every foot of height above the 4-foot level.

(i) Brick shall never be stacked, for storage purposes, on scaffolds or runways.

(ii) When delivering brick on scaffolds inside the wall lines in wheelbarrows, they shall be dumped toward the inside of the building and not toward the wall.

(iii) Blocks shall always be stacked and not thrown in a loose pile.

(g) When masonry blocks are stacked higher than 6 feet, the stack shall be tapered back one-half block per tier above the 6-foot level.

(i) When blocks are stacked inside a building, the piles shall be so distributed as not to overload the floor on which they stand.

(ii) Blocks shall not be dropped or thrown from an elevation or delivered through chutes.

(h) Lumber:

(i) Used lumber shall have all nails withdrawn before stacking.

(ii) Lumber shall be stacked on level and solidly supported sills.

(iii) Lumber shall be so stacked as to be stable and self-supporting.

(iv) Lumber stacks shall not exceed 20 feet in height provided that lumber to be handled manually shall not be stacked more than 16 feet high.

(v) All stored lumber shall be stacked on timber sills to keep it off the grounds. Sills shall be placed level on solid supports.

(vi) Cross strips shall be placed in the stacks when they are stacked more than four feet high.

(i) Structural steel, poles, pipe, bar stock, and other cylindrical materials, unless racked, shall be stacked and blocked so as to prevent spreading or tilting.

(i) Persons handling reinforcing steel shall wear heavy gloves.

(ii) When bending of reinforcing steel is done on the job, a strong bench shall be provided, set up on even dry ground or a floor for the persons to work on.

(iii) Structural steel shall be carefully piled to prevent danger of members rolling off or the pile toppling over.

(iv) Structural steel shall be kept in low piles, consideration being given to the sequence of use of the members.

(v) Corrugated and flat iron shall be stacked in flat piles, with the piles not more than four feet high and spacing strips shall be placed between each bundle.

(j) Sand, gravel and crushed stone. Stock piles shall be frequently inspected to prevent their becoming unsafe by continued adding to or withdrawing from the stock.

(i) If material becomes frozen, it shall not be removed in a manner that would produce an overhang.

AMENDATORY SECTION (Amending Order 79-9, filed 7/31/79)

✓ WAC 296-155-330 RIGGING EQUIPMENT FOR MATERIAL HANDLING. (1) General.

(a) Rigging equipment for material handling shall be inspected prior to use on each shift and as necessary during its use to ensure that it is safe. Defective rigging equipment shall be removed from service.

(b) Rigging equipment shall not be loaded in excess of its recommended safe working load, as prescribed in Tables F-1 through F-20 in this part and shall comply with ANSI B 30.9-1984.

(c) Rigging equipment, when not in use, shall be removed from the immediate work area so as not to present a hazard to employees.

(d) Special custom design grabs, hooks, clamps, or other lifting accessories(~~(, for such units as modular panels, prefabricated structures and similar materials,))~~) shall be marked to indicate the safe working loads and shall be proof-tested (~~(prior)~~) to (~~(use to)~~) 125 percent of (~~(their)~~) the rated load prior to use. Such custom devices shall be permanently marked with an identification number and permanent records shall be maintained on the jobsite for each device.

(2) Alloy steel chains. Chains used for overhead lifting shall be proof tested alloy steel.

(a) Welded alloy steel chain slings shall have permanently affixed durable identification stating size, grade, rated capacity, and sling manufacturer.

(b) Hooks, rings, oblong links, pear-shaped links, welded or mechanical coupling links, or other attachments, when used with alloy steel chains, shall have a rated capacity at least equal to that of the chain.

(c) The use of job or shop hooks and links, or make-shift fasteners, formed from bolts, rods, etc., or other such attachments, shall be prohibited.

(d) Rated capacity (working load limit) for alloy steel chain slings shall conform to the values shown in Table F-1.

(e) Whenever wear at any point of any chain link exceeds that shown in Table F-2, the assembly shall be removed from service.

(f) If at any time any three foot length of chain is found to have stretched one-third the length of a link it shall be discarded.

(g) The practice of placing bolts or nails between two links to shorten chains is prohibited.

(h) Splicing broken chains by inserting a bolt between two links with the heads of the bolt and the nut sustaining the load, or passing one link through another and inserting a bolt or nail to hold it, is prohibited.

(i) Wherever annealing of chains is attempted, it shall be done in properly equipped annealing furnaces and under the direct supervision of a competent person.

(3) Wire rope.

(a) Table F-3 through F-14 shall be used to determine the safe working loads of various sizes and classifications of improved plow steel wire rope and wire rope slings with various types of terminals. For sizes, classifications, and grades not included in these tables, the safe working load recommended by the manufacturer for specific, identifiable products shall be followed, provided that a safety factor of not less than 5 is maintained.

(b) Protruding ends of strands in splices on slings and bridles shall be covered or blunted.

(c) Wire rope shall not be secured by knots.

(d) The following limitations shall apply to the use of wire rope:

(i) An eye splice made in any wire rope shall have not less than three full tucks.

NOTE: This requirement shall not preclude the use of another form of splice or connection which can

be shown to be as efficient and which is not otherwise prohibited.

(ii) Except for eye splices in the ends of wires and for endless rope slings, each wire rope used in hoisting or lowering, or in pulling loads, shall consist of one continuous piece without knot or splice.

(iii) Wire rope shall not be used, if in any length of eight diameters, the total number of visible broken wires exceeds 10 percent of the total number of wires, or if the rope shows other signs of excessive wear, corrosion, or defect.

(e) When U-bolt wire rope clips are used to form eyes, Table F-20 shall be used to determine the number and spacing of clips.

(f) When used for eye splices, the U-bolt shall be applied so that the "U" section is in contact with the dead end of the rope.

(g) ~~((Eyes in wire rope bridles, slings or bull wires shall not be formed by wire rope clips or knots:))~~ U-Bolt wire rope clips shall be made of drop-forged steel.

NOTE: See Table F-20 for number of clamps and spacing requirements.

CORRECT METHOD OF ATTACHING WIRE ROPE CLIPS



U-Bolt of all clips on dead end of rope

(4) Natural rope, and synthetic fiber.

(a) General. When using natural or synthetic fiber rope slings, Tables F-15, F-16, F-17 and F-18 shall apply.

(b) All splices in rope slings provided by the employer shall be made in accordance with fiber rope manufacturers' recommendations.

(i) In manila rope, eye splices shall contain at least three full tucks, and short splices shall contain at least six full tucks (three on each side of the centerline of the splice).

(ii) In layed synthetic fiber rope, eye splices shall contain at least four full tucks, and short splices shall contain at least eight full tucks (four on each side of the centerline of the splice).

(iii) Strand end tails shall not be trimmed short (flush with the surface of the rope) immediately adjacent to the full tucks. This precaution applies to both eye and short splices and all types of fiber rope. For fiber ropes under 1-inch diameter, the tails shall project at least six rope diameters beyond the last full tuck. For fiber ropes 1-inch diameter and larger, the tails shall project at least 6 inches beyond the last full tuck. In applications where the projecting tails may be objectionable, the tails shall be tapered and spliced into the body of the rope using at least two additional tucks (which will require a tail length of approximately six rope diameters beyond the last full tuck).

(iv) For all eye splices, the eye shall be sufficiently large to provide an included angle of not greater than 60° at the splice when the eye is placed over the load or support.

(v) Knots shall not be used in lieu of splices.

(vi) All fibre rope used for hoisting purposes or for the support of scaffolds, or any part thereof, shall be of high grade Manila hemp (abaca). Fibre rope used for the support of scaffolds, or any part thereof, except rope used for lashing or tying purposes, shall be not less than 3/4-inch in diameter.

(vii) The maximum safe working load for fibre rope shall not exceed ~~((1/6 of))~~ the maximum strength as shown in the following table:

STRENGTH OF HIGH GRADE MANILA (ABACA) ROPE
COMMON LAY THREE STRAND

Approximate Diameter in inches	Circumference in inches	Safe Load in Pounds
3/16 (6 yarns)	1/2	98
1/4 (6 yarns)	3/4	116
5/16 (6 yarns)	1	200
3/8 (12 yarns)	1 1/8	241
7/16 (15 yarns)	1 1/4	291
15/32 (18 yarns)	1 3/8	350
1/2 (21 yarns)	1 1/2	408
9/16	1 3/4	526
5/8	2	666
3/4	2 1/4	816
13/16	2 1/2	983
7/8	2 3/4	1,166
1	3	1,366
1 1/16	3 1/4	1,683
1 1/8	3 1/2	1,833
1 1/4	3 3/4	2,083
1 5/16	4	2,365
1 3/8	4 1/4	2,666
1 1/2	4 1/2	2,916

NOTE: This table is based on data contained in the U.S. Department of Commerce circular of the Bureau of Standards, No. 324.

(5) Synthetic webbing (nylon, polyester, and polypropylene).

(a) The employer shall have each synthetic web sling marked or coded to show:

- (i) Name or trademark of manufacturer.
 - (ii) Rated capacities for the type of hitch.
 - (iii) Type of material.
- (b) Rated capacity shall not be exceeded.
- (6) Shackles and hooks.

(a) Table F-19 shall be used to determine the safe working loads of various sizes of shackles, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products, provided that a safety factor of not less than 5 is maintained.

(b) The manufacturer's recommendations shall be followed in determining the safe working loads of the various sizes and types of specific and identifiable hooks. All hooks for which no applicable manufacturer's recommendations are available shall be tested to twice the intended safe working load before they are initially put into use. The employer shall maintain a record of the dates and results of such tests.

(c) Hooks shall not be modified by welding and/or drilling unless written approval by the manufacturer has been received.

(7) Slings.

(a) When slings are provided as a part of the hoisting equipment, every precaution shall be taken to keep them in a serviceable condition.

(i) ~~((Cable))~~ Wire rope slings shall be frequently inspected and oiled.

(ii) Slings shall not be left where they can be damaged by traffic or form stumbling hazards.

(iii) Blocks or heavy bagging shall be used at corners of the load to protect the sling from sharp bending.

(b) When a load is lifted by a multiple rope sling the sling shall be so arranged that the strain can be equalized between the ropes.

(i) When using a sling with both ends engaged in the hoisting block, the sling shall be adjusted so as to equalize the stress.

(ii) Slings shall be placed on the load at safe lifting angles.

(8) Material handling—General.

(a) When necessary to store building material on public thoroughfares, care shall be exercised to see that it is so piled or stacked as to be safe against collapse or falling over.

(b) Material shall be so located as not to interfere with, or present a hazard to employees, traffic or the public.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

✓ WAC 296-155-335 DISPOSAL OF WASTE MATERIALS. (1) Whenever materials are dropped more than 20 feet to any point lying outside the exterior walls of the building, an enclosed chute of wood, or equivalent material, shall be used. For the purpose of this subsection, an enclosed chute is a slide, closed in on all sides, through which material is moved from a high place to a lower one.

(2) When debris is dropped ~~((through holes in the floor))~~ without the use of chutes, the area onto which the material is dropped shall be completely enclosed with barricades not less than 42 inches high and not less than 20 feet back from the projected edge of the opening above. Signs warning of the hazard of falling materials shall be posted at each level. Removal shall not be permitted in this lower area until debris handling ceases above.

(3) All scrap lumber, waste material, and rubbish shall be removed from the immediate work area as the work progresses.

(4) Disposal of waste material or debris by burning shall comply with local fire regulations.

(5) All solvent waste, oily rags, and flammable liquids shall be kept in fire resistant covered containers until removed from the worksite.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

✓ WAC 296-155-34911 TABLE F-11.

TABLE F-11

RATED CAPACITIES FOR STRAND LAID GROMMET - HAND TUCKED IMPROVED PLOW STEEL GRADE ROPE

ROPE BODY		RATED CAPACITIES, TONS (2,000 lb)		
Dia. (inches)	Constr.	(((Htus.) (Htus.) (Htus.)))		
		Vertical	Choker	Vertical Basket*
1/4	7 x 19	0.85	0.64	1.7
5/16	7 x 19	1.3	1.0	2.6
3/8	7 x 19	1.9	1.4	3.8
7/16	7 x 19	2.6	1.9	5.2
1/2	7 x 19	3.3	2.5	6.7
9/16	7 x 19	4.2	3.1	8.4
5/8	7 x 19	5.2	3.9	10.00
3/4	7 x 19	7.4	5.6	15.0
7/8	7 x 19	10.0	7.5	20.0
1	7 x 19	13.0	9.7	26.0
1-1/8	7 x 19	16.0	12.0	32.0
<hr/>				
1-1/4	7 x 37	18.0	14.0	37.0
1-3/8	7 x 37	22.0	16.0	44.0
1-1/2	7 x 37	26.0	19.0	52.0

* These values only apply when the D/d ratio is 5 or greater where:
 D = Diameter of curvature around which rope is bent.
 d = Diameter of rope body.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

✓ WAC 296-155-34912 TABLE F-12.

TABLE F-12

RATED CAPACITIES FOR CABLE LAID GROMMET - HAND TUCKED 7 x 6 x 7 AND 7 x 6 x 19 CONSTRUCTIONS IMPROVED PLOW STEEL GRADE ROPE 7 x 7 x 7 CONSTRUCTION GALVANIZED AIRCRAFT GRADE ROPE

TABLE F-13—cont.

CABLE BODY		RATED CAPACITIES, TONS (2,000 lb)		
Dia. (inches)	Constr.	(((Htus.) (Htus.) (Htus.)))		
		Vertical	Choker	Vertical Basket*
3/8	7 x 6 x 7	1.3	0.95	2.5
9/16	7 x 6 x 7	2.8	2.1	5.6
5/8	7 x 6 x 7	3.8	2.8	7.6
3/8	7 x 7 x 7	1.6	1.2	3.2
9/16	7 x 7 x 7	3.5	2.6	6.9
5/8	7 x 7 x 7	4.5	3.4	9.0
5/8	7 x 6 x 19	3.9	3.0	7.9
3/4	7 x 6 x 19	5.1	3.8	10.0
15/16	7 x 6 x 19	7.9	5.9	16.0
1-1/8	7 x 6 x 19	11.0	8.4	22.0
1-5/16	7 x 6 x 19	15.0	11.0	30.0
1-1/2	7 x 6 x 19	19.0	14.0	39.0
1-11/16	7 x 6 x 19	24.0	18.0	49.0
1-7/8	7 x 6 x 19	30.0	22.0	60.0
2-1/4	7 x 6 x 19	42.0	31.0	84.0
2-5/8	7 x 6 x 19	56.0	42.0	112.0

* These values only apply when the D/d ratio is 5 or greater where:
D = Diameter of curvature around which cable body is bent.
d = Diameter of cable body.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-34913 TABLE F-13.

TABLE F-13

RATED CAPACITIES FOR STRAND LAID
ENDLESS SLINGS—MECHANICAL JOINT
IMPROVED PLOW STEEL GRADE ROPE

ROPE BODY		RATED CAPACITIES, TONS (2,000 lb)		
Dia. (inches)	Constr.	(((Htus.) (Htus.) (Htus.)))		
		Vertical	Choker	Vertical Basket*
1/4	6 x 19 IWRC	0.92	0.69	1.8
3/8	6 x 19 IWRC	2.0	1.5	4.1
1/2	6 x 19 IWRC	3.6	2.7	7.2
5/8	6 x 19 IWRC	5.6	4.2	11.0
3/4	6 x 19 IWRC	8.0	6.0	16.0
7/8	6 x 19 IWRC	11.0	8.1	21.0

ROPE BODY		RATED CAPACITIES, TONS (2,000 lb)		
Dia. (inches)	Constr.	(((Htus.) (Htus.) (Htus.)))		
		Vertical	Choker	Vertical Basket*
1	6 x 19 IWRC	14.0	10.0	28.0
1-1/8	6 x 19 IWRC	18.0	13.0	35.0
1-1/4	6 x 37 IWRC	21.0	15.0	41.0
1-3/8	6 x 37 IWRC	25.0	19.0	50.0
1-1/2	6 x 37 IWRC	29.0	22.0	59.0

* These values only apply when the D/d ratio is 5 or greater where:
D = Diameter of curvature around which rope is bent.
d = Diameter of rope body.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-34914 TABLE F-14.

TABLE F-14

RATED CAPACITIES FOR CABLE LAID
ENDLESS SLINGS—MECHANICAL JOINT
7 x 7 x 7 AND 7 x 7 x 19 CONSTRUCTIONS
GALVANIZED AIRCRAFT GRADE ROPE
7 x 6 x 19 IWRC CONSTRUCTION IMPROVED
PLOW STEEL GRADE ROPE

CABLE BODY		RATED CAPACITIES, TONS (2,000 lb)		
Dia. (inches)	Constr.	(((Htus.) (Htus.) (Htus.)))		
		Vertical	Choker	Vertical Basket*
1/4	7 x 7 x 7	0.83	0.62	1.6
3/8	7 x 7 x 7	1.8	1.3	3.5
1/2	7 x 7 x 7	3.0	2.3	6.1
5/8	7 x 7 x 7	4.5	3.4	9.1
3/4	7 x 7 x 7	6.3	4.7	12.0
5/8	7 x 7 x 19	4.7	3.5	9.5
3/4	7 x 7 x 19	6.7	5.0	13.0
7/8	7 x 7 x 19	8.9	6.6	18.0
1	7 x 7 x 19	11.0	8.5	22.0
1-1/8	7 x 7 x 19	14.0	10.0	28.0
1-1/4	7 x 7 x 19	17.0	12.0	33.0
3/4	7 x 6 x 19 IWRC	6.2	4.7	12.0
7/8	7 x 6 x 19 IWRC	8.3	6.2	16.0
1	7 x 6 x 19 IWRC	10.0	7.9	21.0
1-1/8	7 x 6 x 19 IWRC	13.0	9.7	26.0
1-1/4	7 x 6 x 19 IWRC	16.0	12.0	31.0

TABLE F-14—cont.

Dia. (inches)	Constr.	RATED CAPACITIES, TONS (2,000 lb)		
		Vertical	Choker	Vertical Basket*
1-3/4	7 x 6 x 19 IWRC	18.0	14.0	37.0
1-1/2	7 x 6 x 19 IWRC	22.0	16.0	43.0

* These values only apply when the D/d value is 5 or greater where:
 D = Diameter of curvature around which cable body is bent.
 d = Diameter of cable body.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

✓ WAC 296-155-34920 TABLE F-20.

TABLE F-20
 NUMBER AND SPACING OF U-BOLT
 WIRE ROPE CLIPS

Improved plow steel(;-)	Number of Clips		Minimum spacing (inches)
	Drop forged	((Other material))	
((+/-))	3/8 and under	4	3
	1/2	3	((4)) 3
	5/8	3	((4)) 3
7	3/4	4	((5)) 4 1/2
	7/8	4	((5)) 5 1/4
8	1	5	((6)) 6
	1 1/8	6	((6 — 6 3/4))
9	1 1/4	6	((7 — 7 1/2))
	1 3/8	7	((7 — 8 1/4))
9	1 1/2	7	((8 — 9)) 10

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

✓ WAC 296-155-355 HAND TOOLS. (1) Employers shall not issue or permit the use of unsafe hand tools.

(2) Wrenches, including adjustable, pipe, end, and socket wrenches shall not be used when jaws are sprung or worn to the point that slippage occurs.

(3) ((Combination "axe-hammers," with handles exceeding 16 inches in length, shall not be used to drive nails or spikes.)) Nails shall not be cut with an axe.

(4) Impact tools, such as drift pins, wedges, and chisels, shall be kept free of mushroomed heads.

(5) The wooden handles of tools shall be kept free of splinters or cracks and shall be kept tight in the tool.

AMENDATORY SECTION (Amending Order 76-29, filed 9/30/76)

✓ WAC 296-155-360 POWER-OPERATED HAND TOOLS. (1) Electric Power-operated tools. (a) Electric power operated tools shall either be of the approved double-insulated type or grounded in accordance with Part I of this chapter.

(b) The use of electric cords for hoisting or lowering tools shall not be permitted.

(2) Pneumatic power tools. (a) Pneumatic power tools and hose sections shall be secured ((to the hose or whip by some positive means to)) by threaded couplings, quick disconnect couplings or by 100 pound tensile strength safety chain or equivalent across each connection to prevent the tool or hose connections from becoming accidentally disconnected.

(b) Safety clips or retainers shall be securely installed and maintained on pneumatic impact (percussion) tools to prevent attachments from being accidentally expelled.

(c) All pneumatically driven nailers, staplers, and other similar equipment provided with automatic fastener feed, shall have a safety device on the muzzle to prevent the tool from ejecting fasteners, unless the muzzle is in contact with the work surface.

EXCEPTION: Pneumatic nailers or staplers utilizing "fine wire" brads or staples do not require a muzzle contact safety device, provided:

(1) The overall weight of the fastening device does not exceed the weight of standard 18 gauge wire, 1-1/2 inches long.

(2) The operator and any other person within 12 feet of the point of operation wear approved eye protection.

NOTE: The normal maximum diameter tolerance for manufacturing standard 18 gauge wire is .045 inches.

(d) Compressed air shall not be used at the nozzle for cleaning purposes except where reduced to less than 30 p.s.i. and then only with effective chip guarding and personal protective equipment which meets the requirements of Part C of this chapter.

NOTE: The ((30 p.s.i.)) above requirement does not apply ((for)) to concrete form, mill scale and similar cleaning purposes. Concrete form, mill scale, and similar cleaning may be performed with air pressure exceeding 30 p.s.i. provided the nozzle and/or cleaning pipe is at least three feet long with a quick-closing (deadman) valve between the hose and the nozzle or pipe. The operator and all other employees within range of flying debris shall be protected by eye or face protection as specified in WAC 296-155-215.

(e) The manufacturer's safe operating pressure for hoses, pipes, valves, filters, and other fittings shall not be exceeded.

(f) The use of hoses for hoisting or lowering tools shall not be permitted.

(g) All hoses exceeding 1/2-inch inside diameter shall have a safety device at the source of supply or branch line to reduce pressure in case of hose failure.

(h) Airless spray guns of the type which atomize paints and fluids at high pressures (1,000 pounds or more per square inch) shall be equipped with automatic or visible manual safety devices which will prevent pulling of the trigger to prevent release of the paint or fluid until the safety device is manually released.

(i) In lieu of the above, a diffuser nut which will prevent high pressure, high velocity release, while the nozzle tip is removed, plus a nozzle tip guard which will prevent the tip from coming into contact with the operator, or other equivalent protection, shall be provided.

(3) Fuel powered tools. (a) All fuel powered tools shall be stopped while being refueled, serviced, or maintained, and fuel shall be transported, handled, and stored in accordance with Part D of this chapter.

(b) When fuel powered tools are used in enclosed spaces, the applicable requirements for concentrations of toxic gases and use of personal protective equipment as outlined in Parts B and C of this chapter shall apply.

(4) Hydraulic power tools. (a) The fluid used in hydraulic powered tools shall be fire resistant fluid approved under schedule 30 of the Bureau of Mines, U.S. Department of the Interior, and shall retain its operating characteristics at the most extreme temperatures to which it will be exposed.

(b) The manufacturer's safe operating pressures for hoses, valves, pipes, filters, and other fittings shall not be exceeded.

~~((5) Powder-actuated tools. (a) Only employees who have been trained in the operation of the particular tool in use, and certified in accordance with WAC 296-24-662 through 296-24-66225, shall be allowed to operate a powder-actuated tool.~~

~~(b) The tool shall be tested each day before loading to see that safety devices are in proper working condition. The method of testing shall be in accordance with the manufacturer's recommended procedure.~~

~~(c) Any tool found not in proper working order, or that develops a defect during use, shall be immediately removed from service and not used until properly repaired.~~

~~(d) Personal protective equipment shall be in accordance with Part C of this chapter.~~

~~(e) Tools shall not be loaded until just prior to the intended firing time. Neither loaded nor empty tools are to be pointed at any employees. Hands shall be kept clear of the open barrel end.~~

~~(f) Loaded tools shall not be left unattended.~~

~~(g) Fasteners shall not be driven into very hard or brittle materials including, but not limited to, cast iron, glazed tile, surface-hardened steel, glass block, live rock, face brick, or hollow tile.~~

~~(h) Driving into materials easily penetrated shall be avoided unless such materials are backed by a substance that will prevent the pin or fastener from passing completely through and creating a flying missile hazard on the other side.~~

~~(i) No fastener shall be driven into a spalled area caused by an unsatisfactory fastening.~~

~~(j) Tools shall not be used in an explosive or flammable atmosphere.~~

~~(k) All tools shall be used with the correct shield, guard, or attachment recommended by the manufacturer.~~

~~(l) Powder-actuated tools used by employees shall meet all other applicable requirements of American National Standards Institute, A10.3-1970, Safety Requirements for Explosive-Actuated Fastening Tools.~~

~~(m) In addition to subdivisions (a) through (l) of this subsection, WAC 296-24-662 through 296-24-66225, safety requirements for explosive-actuated fastening tools, shall apply.)~~

NEW SECTION

✓ WAC 296-155-363 SAFETY REQUIREMENTS FOR POWDER ACTUATED FASTENING SYSTEMS, IN ACCORDANCE WITH ANSI A10.3-1977, SAFETY REQUIREMENTS FOR POWDER ACTUATED FASTENING SYSTEMS.

NEW SECTION

✓ WAC 296-155-36301 SCOPE. This standard provides safety requirements for a powder actuated fastening tool or machine which propels a stud, pin, fastener, or other object for the purpose of affixing it by penetration to another object.

This standard does not apply to devices designed for attaching objects to soft construction materials, such as wood, plaster, tar, dry wallboard, and the like, or to stud welding equipment.

NEW SECTION

✓ WAC 296-155-36303 PURPOSE. The purpose of this standard is to provide reasonable safety for life, limb, and property, by establishing requirements for design, construction, operation, service, and storage of powder actuated fastening tools, fasteners and power loads.

NEW SECTION

✓ WAC 296-155-36305 DEFINITIONS APPLICABLE TO THIS SECTION. (1) Angle control – a safety feature designed to prevent a tool from operating when tilted beyond a predetermined angle.

(2) Approved – meeting the requirements of this standard and acceptable to the department of labor and industries, division of industrial safety and health.

(3) Cased power load – a power load with the propellant contained in a closed case.

(4) Caseless power load – a power load with the propellant in solid form not requiring containment.

(5) Chamber (noun) – the location in the tool into which the power load is placed and in which it is actuated.

(6) Chamber (verb) – to fit the chamber according to manufacturer's specifications.

(7) Fasteners – any pins (unthreaded heads) or studs (threaded heads) driven by powder actuated tools.

(8) Fixture – a special shield that provides equivalent protection where the standard shield cannot be used.

(9) Head – that portion of a fastener that extends above the work surface after being properly driven.

(10) Misfire – a condition in which the power load fails to ignite after the tool has been operated.

(11) Powder actuated fastening system – a method comprising the use of a powder actuated tool, a power load, and a fastener.

(12) Powder actuated tool (also known as tool) – a tool that utilizes the expanding gases from a power load to drive a fastener.

(13) Power load – the energy source used in powder actuated tools.

(14) Qualified operator – a person who meets the requirements of WAC 296-155-36321 (1) and (2).

(15) Shield – a device, attached to the muzzle end of a tool, which is designed to confine flying particles.

(16) Spalled area – a damaged and nonuniform concrete or masonry surface.

(17) Test velocity – the measurement of fastener velocity performed in accordance with WAC 296-155-36307 (1)(m).

(18) Tools – tools can be divided into two types: Direct acting and indirect acting; and three classes: Low velocity, medium velocity, and high velocity.

(a) Direct acting tool – a tool in which the expanding gas of the power load acts directly on the fastener to be driven.

(b) Indirect acting tool – a tool in which the expanding gas of the power load acts on a captive piston, which in turn drives the fastener.

(c) Low-velocity tool – a tool whose test velocity has been measured ten times while utilizing the highest velocity combination of:

(i) The lightest commercially available fastener designed for that specific tool;

(ii) The strongest commercially available power load that will properly chamber in the tool;

(iii) The piston designed for that tool and appropriate for that fastener; that will produce an average test velocity from the ten tests not in excess of 100 meters per second (328 feet per second) with no single test having a velocity of over 108 m/s (354 ft/s).

(d) Medium-velocity tool – a tool whose test velocity has been measured ten times while utilizing the highest velocity combination of:

(i) The lightest commercially available fastener designed for the tool;

(ii) The strongest commercially available power load that will properly chamber in the tool;

(iii) The piston designed for that tool and appropriate for that fastener; that will produce an average test velocity from ten tests in excess of 100 m/s (328 ft/s) but not in excess of 150 m/s (492 ft/s) with no single test having a velocity of 160 m/s (525 ft/s).

(e) High-velocity tool – a tool whose test velocity has been measured ten times while utilizing the combination of:

(i) The lightest commercially available fastener designed for the tool;

(ii) The strongest commercially available power load which will properly chamber in the tool; that will produce an average velocity from the ten tests in excess of 150 m/s (492 ft/s).

NEW SECTION

✓ WAC 296-155-36307 REQUIREMENTS. (1) General.

(a) The tool shall be designed to prevent inadvertent actuation.

(b) The tool shall be designed to prevent actuation when dropped in any attitude from a height of 3 meters (10 ft) onto a smooth, hard surface such as concrete or steel, if such actuation can propel a fastener or any part thereof in free flight.

(c) Actuation of the tool shall be dependent upon at least two separate and distinct operations by the operator, with at least one operation being separate from the operation of holding the tool against the work surface.

(d) The tool shall be designed not to be operable other than against a work surface with a force on the work surface equal to 22 newtons (5 lb) greater than the weight of the tool or a minimum impact energy of 4 joules (3 ft-lb).

(e) All tools shall be designed so that compatible protective shields or fixtures, designed, built, and supplied by the manufacturer of the tool, can be used (see WAC 296-155-36307 (2)(b), (3)(b), (4)(b) and 296-155-36313(8)).

(f) The tool shall be designed so that a determinable means of varying the power levels is available for selecting a power level adequate to perform the desired work (see WAC 296-155-36309(5)).

(g) The tool shall be designed so that all principal functional parts can be checked for foreign matter that may affect operation.

(h) The tool shall be designed so that all parts will be of adequate strength to resist maximum stresses imposed upon actuation when the tool is used in accordance with the manufacturer's instructions and is powered by any commercially available power load which will properly chamber in the tool.

(i) Each tool shall bear a legible permanent model designation, which shall serve as a means of identification. Each tool shall also bear a legible, permanent manufacturer's unique serial number.

(j) A lockable container shall be provided for each tool. The words "POWDER ACTUATED TOOL" shall appear in plain sight on the outside of the container. The following notice shall be attached on the inside cover of the container:

"WARNING – POWDER ACTUATED TOOL. TO BE USED ONLY BY A QUALIFIED OPERATOR AND KEPT UNDER LOCK AND KEY WHEN NOT IN USE."

(k) Each tool shall bear a durable warning label with the following statement, or the equivalent:

"WARNING – FOR USE ONLY BY QUALIFIED OPERATORS ACCORDING TO MANUFACTURER'S INSTRUCTION MANUAL."

(l) Each tool shall be supplied with the following:

- (i) Operator's instruction and service manual.
- (ii) Power load chart.
- (iii) Tool inspection record.
- (iv) Service tools and accessories.
- (m) In determining tool test velocities, the velocity of the fastener shall be measured in free flight at a distance of 2 meters (6-1/2 ft) from the muzzle end of the tool, using accepted ballistic test methods.

- (2) Design requirements – low-velocity class.
 - (a) Low-velocity tools, indirect-acting (piston) type, as defined in WAC 296-155-36305, shall meet the requirements of WAC 296-155-36307(1).
 - (b) A shield shall be supplied with each tool.
- (3) Design requirements – medium-velocity class.
 - (a) Medium-velocity tools, indirect-acting (piston) type, as defined in WAC 296-155-36305, shall meet the requirements of WAC 296-155-36307(1).
 - (b) The tool shall have a shield at least 63 mm (2-1/2 in) in diameter mounted perpendicular to, and concentric with, the muzzle end, when it is indexed to the center position. A special shield or fixture may be used when it provides equivalent protection.

- (c) The tool shall be designed so that it cannot be actuated unless it is equipped with a shield or fixture.
- (d) The tool shall be designed with angle control so that it will not actuate when equipped with the standard shield indexed to the center position if the bearing surface of the shield is tilted more than 12 degrees from a flat surface.

- (4) Design requirements – high-velocity class.
 - (a) High-velocity tools, direct-acting or indirect-acting type, as defined in WAC 296-155-36305, shall meet the requirements of WAC 296-155-36307(1).
 - (b) The tool shall have a shield at least 88 mm (3-1/2 in) in diameter mounted perpendicular to, and concentric with, the muzzle end, when it is indexed to the center position. A special shield or fixture may be used when it provides equivalent protection.

- (c) The tool shall be designed so that it cannot be actuated unless it is equipped with a shield or fixture.
- (d) The tool shall be designed with angle control so that it will not actuate when equipped with the standard shield indexed to the center position, if the bearing surface of the shield is tilted more than eight degrees from a flat surface.

- (c) The tool shall be designed so that it cannot be actuated unless it is equipped with a shield or fixture.
- (d) The tool shall be designed with angle control so that it will not actuate when equipped with the standard shield indexed to the center position, if the bearing surface of the shield is tilted more than eight degrees from a flat surface.

NEW SECTION

✓WAC 296-155-36309 **POWER LOADS.** (1) Identification of cased power loads. Cased power loads shall be coded to identify power load levels by case color and power load color as specified in Table G-1.

(2) Identification of caseless power loads. Caseless power loads shall be coded to identify power load levels by power load color as specified in Table G-1 and by configuration.

(3) Power load use limitation. No power load (cased or caseless) shall be used if it will properly chamber in any existing commercially available tool and will cause a fastener to have a test velocity in excess of the maximum test velocities specified for the said tool.

(4) Identification of power load packages. Power load packages shall provide a visual number-color indication

of the power level of the power load as specified in Table G-1.

TABLE G-1
Power Load Identification

Power Level	Color Identification		Nominal velocity	
	Case Color	Load Color	Meters per Second (± 13.5)	Feet per Second (± 45)
1	Brass	Gray	91	300
2	Brass	Brown	119	390
3	Brass	Green	146	480
4	Brass	Yellow	174	570
5	Brass	Red	201	660
6	Brass	Purple	229	750
7	Nickel	Gray	256	840
8	Nickel	Brown	283	930
9	Nickel	Green	311	1020
10	Nickel	Yellow	338	1110
11	Nickel	Red	366	1200
12	Nickel	Purple	393	1290

NOTE: The nominal velocity applies to a 9.53 mm (3/8-in) diameter 22.7-gram (350-grain) ballistic slug fired in a test device and has no reference to actual fastener velocity developed in any specific tool.

(5) Optional power load variation. Where means other than power loads of varying power levels are to be used to control penetration, such means shall provide an equivalent power level variation.

NEW SECTION

✓WAC 296-155-36311 **FASTENERS.** Fasteners for use in powder actuated tools shall be designed and manufactured to function compatibly with these tools and, when used in masonry, concrete, or steel, to effect properly the application for which they are recommended.

NEW SECTION

✓WAC 296-155-36313 **OPERATION.** (1) Acceptable tools. Only tools meeting the requirements of this standard shall be used.

(2) Qualified operators. Only qualified operators shall operate tools.

(3) Use lowest velocity. The lowest velocity class of tool that will properly set the fastener shall be used.

(4) Operating limitations. Tools shall be operated in strict accordance with the manufacturer's instructions.

(5) Personal protection. Eye or face protection, or both, shall be worn by operators, assistants, and adjacent personnel when tool is in use. Hearing protection shall be used when making fastenings in confined areas.

(6) Daily inspections. Each day, prior to use, the operator shall inspect the tool to determine that it is in proper working condition in accordance with the testing methods recommended by the manufacturer of the tool.

(7) Defective tools. Any tool found not to be in proper working condition shall be immediately removed from service and tagged "DEFECTIVE"; it shall not be used until it has been properly repaired in accordance with the manufacturer's instructions.

(8) Proper accessories. The proper shield, fixture, adapter, or accessory, suited for the application, as recommended and supplied by the manufacturer, shall be used.

(9) Proper loads and fasteners. Only those types of fasteners and power loads recommended by the tool manufacturer shall be used.

(10) Questionable material. Before fastening into any questionable material, the operator shall determine its suitability by using a fastener as a center punch. If the fastener point does not easily penetrate, is not blunted, and does not fracture the material, initial test fastenings shall then be made in accordance with the tool manufacturer's recommendations. (See WAC 296-155-36315(3)).

(11) Tool safety. No tool shall be loaded unless it is being prepared for immediate use. If the work is interrupted after loading, the tool shall be unloaded at once.

(12) Pointing tools. Tools shall not be loaded until just prior to the intended firing time. Neither loaded nor empty tools are to be pointed at any person; hands shall be kept clear of the open barrel end.

(13) Tool perpendicular to work. The tool shall always be held perpendicular to the work surface when fastening into any material, except for specific applications recommended by the tool manufacturer.

(14) Misfires. In the event of a misfire, the operator shall hold the tool firmly against the work surface for a period of thirty seconds and then follow the explicit instructions set forth in the manufacturer's instructions.

(15) Different power levels. Power loads of different power levels and types shall be kept in separate compartments or containers.

(16) Signs. A sign, at least 20 x 25 cm (8 x 10 in), using boldface type no less than 2.5 cm (1 in) in height, shall be posted in plain sight on all construction projects where tools are used. The sign shall bear wording similar to the following: "POWDER ACTUATED TOOL IN USE."

NEW SECTION

✓ WAC 296-155-36315 LIMITATIONS OF USE.

(1) Explosive and flammable atmospheres. The tool shall not be used in an explosive or flammable atmosphere.

(2) Unattended tools prohibited. A tool shall never be left unattended in a place where it would be available to unauthorized persons.

(3) Fasteners in hard, brittle areas. Fasteners shall not be driven into very hard or brittle materials including, but not limited to, cast iron, glazed tile, hardened steel, glass block, natural rock, hollow tile, or most brick. (See WAC 296-155-36313(10)).

(4) Fasteners in soft materials. Fasteners shall not be driven into easily penetrated or thin materials, or materials of questionable resistance, unless backed by a material that will prevent the fastener from passing completely through the other side.

(5) Fasteners in steel. Fasteners shall not be driven closer than 13 mm (1/2 in) from the edge of steel except for specific applications recommended by the tool manufacturer.

(6) Fasteners in masonry. Fasteners shall not be driven closer than 7.5 cm (3 in) from the unsupported edge

of masonry materials except for specific applications recommended by the tool manufacturer.

(7) Fasteners in concrete. Fasteners shall not be driven into concrete unless material thickness is at least three times the fastener shank penetration.

(8) Fasteners in spalls. Fasteners shall not be driven into any spalled area.

(9) Fasteners in existing holes. Fasteners shall not be driven through existing holes unless a specific guide means, as recommended and supplied by the tool manufacturer, is used to ensure positive alignment.

NEW SECTION

✓ WAC 296-155-36317 MAINTENANCE AND STORAGE. (1) Use of tools. The tool shall be serviced and inspected for worn or damaged parts at regular intervals as recommended by the tool manufacturer. Prior to the tool being put back into use, all worn or damaged parts shall be replaced by a qualified person using only parts supplied by the tool manufacturer. A record of this inspection shall be noted and dated on the tool inspection record.

(2) Instruction manuals. Instruction manuals, maintenance tools, and accessories supplied with the tool shall be stored in the tool container when not in use.

(3) Security. Powder actuated tools and power loads shall be locked in a container and stored in a safe place when not in use and shall be accessible only to authorized personnel.

NEW SECTION

✓ WAC 296-155-36319 AUTHORIZED INSTRUCTOR. (1) Operator qualifications. Only persons trained and authorized by the tool manufacturer or by an authorized representative of the tool manufacturer shall be qualified to instruct and qualify operators for the manufacturer's powder actuated tools.

(2) Instructor qualifications. All authorized instructors shall have read and be familiar with this standard, and shall be capable of:

(a) Disassembling, servicing, and reassembling the tool.

(b) Recognizing any worn or damaged parts or defective operation.

(c) Recognizing and clearly identifying the colors used to identify power load levels.

(d) Using the tool correctly within the limitations of its use.

(e) Training and testing operators prior to issuing a qualified operator's card.

(3) Instructor's card. All authorized instructors shall have in their possession a valid authorized instructor's card issued and signed by an authorized representative of the manufacturer. The card shall be wallet size of approximately 6 x 9 cm (2-1/2 x 3-1/2 in), and the face of the card shall bear text similar to that shown in Figure G-1.

(4) List of instructors. A list of all instructors authorized by the manufacturer to instruct and qualify operators shall be maintained by the tool manufacturer and be

made available to the department of labor and industries, division of industrial safety and health, upon request.

(5) Revocation of instructor card. An instructor's card may be revoked by the authorizing agent or the department of labor and industries, division of industrial safety and health, if he is known to have issued a qualified operator's card in violation of any regulation contained in this standard. When an instructor is no longer authorized to issue qualified operator's cards, he shall surrender his card to the authorizing agent or the department of labor and industries, division of industrial safety and health.

AUTHORIZED INSTRUCTOR

..... Powder Actuated Tools Date

(MAKE)

Card No. Social Security No.

This certifies that

(NAME OF INSTRUCTOR)

has received the prescribed training in the operation and maintenance of powder actuated tools manufactured by

(NAME OF MANUFACTURER)

to train and certify operators of

(MAKE)

powder actuated tools.

Model(s)

Authorized by

I have received instruction by the manufacturer's authorized representative in the training of operators of the above tools and agree to conform to all rules and regulations governing the instruction of tool operators.

Date of Birth

.....

(SIGNATURE)

Figure G-1
Sample of Authorized Instructor's Card

NEW SECTION

WAC 296-155-36321 QUALIFIED OPERATOR.

(1) Operator qualifications. The operator shall be trained by an authorized instructor to be familiar with the provisions of this standard and the instructions provided by the manufacturer for operation and maintenance. The operator shall also be capable of:

- (a) Reading and understanding the manufacturer's instruction manual.
- (b) Cleaning the tool correctly.
- (c) Recognizing any worn or damaged parts or defective operation.
- (d) Recognizing the number-color code system used in this standard to identify power load levels. In the event the operator is unable to distinguish the colors used, he shall be given special instruction to enable him to avoid error.
- (e) Using the tool correctly within the limitations of its use and demonstrating his competence by operating the tool in the presence of the instructor.

(2) Operator examination. After training, the operator shall, to substantiate his competency, satisfactorily complete a written examination provided by the manufacturer of the tool.

(a) The operator's written examination shall consist of questions to establish the operator's competence with respect to:

- (i) The requirements of this standard;
- (ii) The powder actuated fastening system; and
- (iii) The specific details of operation and maintenance of the tool(s) involved.

(b) The examination shall provide a statement, attested to by the instructor, that the applicant can (or cannot) readily distinguish the colors used to identify power load levels (see WAC 296-155-36309).

(3) Operator's card. Each applicant who meets the requirements as set forth in subsections (1) and (2) of this section shall receive a qualified operator's card, issued and signed by both the instructor and applicant. While using the tool, the operator shall have this card in his possession.

(4) Card features. The qualified operator's card supplied by the manufacturer shall be wallet size of approximately 6 x 9 cm (2-1/2 x 3-1/2 in), and the face of the card shall bear text similar to that shown in Figure G-2.

(5) Revocation notation. There shall be printed on the card a notation reading:

"Revocation of card - Failure to comply with any of the rules and regulations for safe operation of powder actuated fastening tools shall be cause for the immediate revocation of this card."

QUALIFIED OPERATOR

..... Powder Actuated Tools Date

(MAKE)

Card No. Social Security No.

This certifies that

(NAME OF OPERATOR)

has received the prescribed training in the operation of powder actuated tools manufactured by

(NAME OF MANUFACTURER)

Model(s)

Trained and issued by

(SIGNATURE OF AUTHORIZED INSTRUCTOR)

I have received instruction in the safe operation and maintenance of powder actuated fastening tools of the makes and models specified and agree to conform to all rules and regulations governing that use

Date of Birth

.....

(SIGNATURE)

Figure G-2
Sample of Qualified Operator's Card

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-365 ABRASIVE WHEELS AND TOOLS. (1) Power. All grinding machines shall be supplied with sufficient power to maintain the spindle speed at safe levels under all conditions of normal operation.

(2) Guarding. Grinding machines shall be equipped with safety guards in conformance with the requirements of American National Standards Institute, B7.1-((1970))1978, Safety Code for the Use, Care and Protection of Abrasive Wheels.

(3) Use of abrasive wheels. (a) Floor stand and bench mounted abrasive wheels, used for external grinding, shall be provided with safety guards (protection hoods). The maximum angular exposure of the grinding wheel

periphery and sides shall be not more than 90°, except that when work requires contact with the wheel below the horizontal plane of the spindle, the angular exposure shall not exceed 125°. In either case, the exposure shall begin not more than 65° above the horizontal plane of the spindle. Safety guards shall be strong enough to withstand the effect of a bursting wheel.

(b) Floor and bench-mounted grinders shall be provided with work rests which are rigidly supported and readily adjustable. Such work rests shall be ~~((kept at))~~ adjusted to a distance not to exceed one-eighth inch from the surface of the wheel. The work rest may be omitted when contacts of the work piece with the grinding surface below the horizontal plane of the spindle are necessary and unavoidable, or where the size or shape of the work piece precludes use of the work rest.

(c) Cup type wheels used for external grinding shall be protected by either a revolving cup guard or a band type guard in accordance with the provisions of the American National Standards Institute, B7.1-~~((1970))~~1978, Safety ~~((Code))~~ Requirements for the Use, Care, and Protection of Abrasive Wheels. ((All other portable)) Abrasive wheels ~~((used for external grinding,))~~ shall ~~((be provided with safety guards (protection hoods) meeting the requirements of subdivision (c) of this subsection except as follows:~~

~~(i) When the work location makes it impossible, a wheel equipped with safety flanges, as described in subdivision (f) of this subsection, shall be used.~~

~~(ii) When wheels 2 inches or less in diameter which are securely mounted on the end of a steel mandrel are used)) only be used on machines provided with safety guards, except the following:~~

~~(i) Wheels used for internal work while within the work being ground.~~

~~(ii) Mounted wheels, 2 inches and smaller in diameter used in portable operations.~~

~~(iii) Types 16, 17, 18, 18R and 19 cones and plugs, and threaded hole pot balls where the work offers protection or where the size does not exceed 3 inches in diameter by 5 inches in length.~~

~~(iv) Metal centered diamond lapidary wheels either notched, segmented or continuous rim used with a coolant deflector, when operated at speeds up to 3500 surface feet per minute (S.F.P.M.).~~

~~(v) Type 1 wheels not larger than 2 inches in diameter and not more than 1/2 inch thick, operating at peripheral speeds less than 1800 SFPM when mounted on mandrels driven by portable drills.~~

~~(vi) Type 1 reinforced wheels not more than 3 inches in diameter and 1/4 inch in thickness, operating at peripheral speeds not exceeding 9500 SFPM, provided that safety glasses and face shield are worn.~~

~~(vii) Valve Seat Grinding Wheels.~~

(d) Portable abrasive wheels used for internal grinding shall be provided with safety flanges (protection flanges) meeting the requirements of subdivision (f) of this subsection, except as follows:

(i) When wheels 2 inches or less in diameter which are securely mounted on the end of a steel mandrel are used;

(ii) If the wheel is entirely within the work being ground while in use.

(e) When safety guards are required, they shall be so mounted as to maintain proper alignment with the wheel, and the guard and its fastenings shall be of sufficient strength to retain fragments of the wheel in case of accidental breakage. The maximum angular exposure of the grinding wheel periphery and sides shall not exceed 180°.

(f) When safety flanges are required, they shall be used only with wheels designed to fit the flanges. Only safety flanges, of a type and design and properly assembled so as to ensure that the pieces of the wheel will be retained in case of accidental breakage, shall be used.

(g) All abrasive wheels shall be closely inspected and ring-tested before mounting to ensure that they are free from cracks or defects.

(h) Grinding wheels shall fit freely on the spindle and shall not be forced on. The spindle nut shall be tightened only enough to hold the wheel in place.

(i) All employees using abrasive wheels shall be protected by eye protection equipment in accordance with the requirements of part C of this chapter, except when adequate eye protection is afforded by eye shields which are permanently attached to the bench or floor stand.

(4) Other requirements. All abrasive wheels and tools used by employees shall meet other applicable requirements of American National Standards Institute, B7.1-~~((1970))~~1978, Safety Code for the Use, Care and Protection of Abrasive Wheels.

NEW SECTION

✓ WAC 296-155-367 MASONRY SAWS. (1) Operating requirements. Masonry saws shall be constructed, guarded, and operated in accordance with ANSI A10.9-1983, Safety Requirements for Concrete Construction and Masonry Work.

(2) Guarding. Masonry saws shall be guarded by semicircular enclosures over the blade and by a slotted horizontal hinged bar mounted underneath the enclosure to retain fragments of the blade in case it should shatter while in use.

(3) Safety latch. A safety latch shall be installed on notched saws to prevent the motor and cutting head assembly from lifting out of the notches.

(4) Blade speed. Blade speed shall be maintained in accordance with the manufacturer's specifications.

(5) Exhaust and eye protection.

(a) All table mounted masonry saws shall be equipped with a mechanical means of exhausting dust into a covered receptacle or be provided with water on the saw blade for dust control. The operator and any nearby worker shall wear appropriate eye protection in accordance with WAC 296-155-215.

(b) All portable hand-held masonry saw operators shall wear appropriate eye and respiratory protection in accordance with WAC 296-155-215 and chapter 296-62 WAC.

(6) Grounding. The motor frames of all stationary saws shall be grounded through conduit, water pipe, or a driven ground. Portable saws shall be grounded through three-pole cords attached to grounded electrical systems.

(7) Inspection. Masonry saws shall be inspected at regular intervals and maintained in safe operating condition.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

✓ WAC 296-155-370 WOODWORKING TOOLS.

(1) ~~Speeds. ((The operating speed shall be etched or otherwise permanently marked on all circular saws over 20 inches in diameter or operating at over 10,000 peripheral feet per minute. Any saw so marked shall not be operated at a speed other than that marked on the blade. When a marked saw is retensioned for a different speed, the marking shall be corrected to show the new speed.))~~ No saw shall be operated in excess of the manufacturers recommended speed.

(2) Guarding. All portable, hand held power-driven circular saws shall be equipped with guards above and below the base plate or shoe. The upper guard shall cover the saw to the depth of the teeth, except for the minimum arc required to permit the base to be tilted for bevel cuts. The lower guard shall cover the saw to the depth of the teeth, except for the minimum arc required to allow proper retraction and contact with the work. When the tool is withdrawn from the work, the lower guard shall automatically and instantly return to the covering position.

(3) Hand-fed table saws.

(a) Each circular hand-fed table saw shall be provided with a hood-type guard that will cover the blade at all times when the blade is not in use. This may be accomplished by the use of a guard that will automatically adjust to the thickness of the material being cut, or by a fixed or manually adjusted guard. If a fixed or manually adjusted guard is used, the space between the bottom of the guard and the material being cut shall not exceed 3/8 inch if 1-1/2 inches or more from the blade, and 1/4 inch if closer than 1-1/2 inches.

(b) When the blade is in use, the hood-type guard shall enclose that portion of the blade above the material.

(c) Hood-type guards shall be so designed and constructed as to resist blows and strains incidental to reasonable operation, adjusting, and handling, in order to protect the operator from flying splinters and broken saw teeth.

(d) The hood shall be so mounted as to ensure that its operation will be positive, reliable, and in alignment with the saw. The mounting shall be adequate to resist any reasonable side thrust or other force that would disrupt alignment.

(e) Where a hood-type guard cannot be used because of unusual shapes or cuts, a jig or fixture that will provide equal safety for the operator shall be used. On the completion of such operations, the guard shall be immediately replaced.

(f) A push stick shall be used on short or narrow stock when there is a possibility of the hand contacting the cutting tool.

(g) Each hand-fed circular rip saw shall be equipped with a spreader to minimize the possibility of material

squeezing the saw or of material kickbacks. The spreader shall be made of tempered steel, or its equivalent, and shall be slightly thinner than the saw kerf. It shall be of sufficient width to provide adequate stiffness or rigidity to resist any reasonable side thrust or blow tending to bend or throw it out of position. The spreader shall be attached so that it will remain in true alignment with the blade, even when either the saw or table is tilted, and should be placed so that there is not more than 1/2-inch space between the spreader and the back of the blade when the recommended saw blade is in its maximum "up" position. If a blade smaller than the maximum permissible size is used, the spreader shall be moved to within 1/2 inch of the blade. The provision of a spreader in connection with grooving, dadoing, or rabbeting is not required. On the completion of such operations, the spreader shall be immediately replaced.

(h) Each hand-fed circular rip saw shall be provided with antikickback devices so located as to oppose the thrust or tendency of the saw blade to pick up the material or throw it back toward the operator. These devices shall be designed to provide holding power for all the thicknesses of material being cut.

(4) Radial saws.

(a) Hoods and guards. Each saw shall be provided with a device that will completely enclose the upper portion of the blade down to a point that includes the end of the saw arbor. The upper hood shall be so constructed as to protect the operator from flying splinters and broken saw teeth, and to deflect sawdust away from the operator. The sides of the lower exposed portion of the saw blade shall be guarded from the tips of the blade teeth inward radially with no greater than 3/8-inch gullet exposure. The device shall automatically adjust itself to the thickness of the stock and remain in contact with the stock being cut for the 90° blade positions (0° bevel) throughout the full working range of mitter position. A permanent label not less than 1-1/2 inches X 3/4 inch shall be affixed to the guard visible from the normal operating position, reading as follows:

WARNING: TO AVOID INJURY, SHUT OFF POWER BEFORE CLEARING A JAMMED LOWER GUARD

Such a label shall be colored standard danger red or orange in accordance with American National Standard Safety Color Code for Marking Physical Hazards, Z53.1-1979.

(b) Spreaders. When radial saws are used for ripping, a spreader shall be provided and shall be aligned with the saw blade.

(c) Antikickback devices. Antikickback devices located on both sides of the saw blade on the outfeed side, so as to oppose the thrust or tendency of the blade to pick up the material or to throw it back toward the operator, shall be used on each radial saw used for ripping. These devices shall be designed to provide adequate holding power for all the thicknesses of material being cut.

(d) Adjustable stops and return devices. An adjustable stop shall be provided to prevent the forward travel of the blade beyond the position necessary to complete the cut in repetitive operations. A limit chain or other equally effective device shall be provided to prevent the

saw blade from sliding beyond the edge of the table; or the table shall be extended to eliminate over-run.

(e) On any manually operated saw, installation shall be such that the front of the machine is slightly higher than the rear, or some other means shall be provided so that the cutting head will not roll or move out on the arm away from the column as a result of gravity or vibration. A permanent label not less than 1-1/2 inches X 3/4 inch shall be affixed to the cutting head visible from the normal crosscut operating position, reading as follows:

WARNING: TO AVOID INJURY, RETURN CARRIAGE TO THE FULL REAR POSITION AFTER EACH CROSSCUT TYPE OF OPERATION

Such a label shall be colored standard caution yellow in accordance with American National Standard Z53.1-1979.

(f) Direction of feed. Ripping and ploughing shall be against the direction in which the saw blade turns. The direction of the saw blade rotation shall be conspicuously marked on the hoods. In addition, a permanent label not less than 1-1/2 inches X 3/4 inch shall be affixed to the end of the guard at which the blade teeth exit the upper guard during operation. The label shall be at approximately the level of the arbor and shall read as follows:

DANGER: TO AVOID INJURY, DO NOT FEED MATERIAL INTO CUTTING TOOL FROM THIS END

Such a label shall be colored standard red or orange in accordance with American National Standard, Z53.1-1979.

(5) All woodworking tools and machinery shall meet any other applicable requirements of American National Standards Institute, 01.1-1971, Safety Code for Woodworking Machinery.

((a)) (6) The control switch on all stationary radial arm saws shall be placed at the front of the saw or table and shall be properly recessed or hooded to prevent accidental contact.

((b)) (a) A firm level working area shall be provided at the front of all stationary radial arm saws. The area shall be kept free of all stumbling hazards.

((c)) (b) A push stick or similar device shall be used for pushing short material through power saws.

((d)) (7) Circular power mitre saws. The requirements of subsection (4)(a) of this section applies to guarding circular power miter saws.

(8) Personal protective equipment. All personal protective equipment required for use shall conform to the requirements of Part C of this chapter.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74), effective 6/6/74)

✓ WAC 296-155-400 GAS WELDING AND CUTTING. (1) Transporting, moving, and storing compressed gas cylinders. (a) Valve protection caps shall be in place and secured.

(b) When cylinders are hoisted, they shall be secured on a cradle, slingboard, or pallet. They shall not be hoisted or transported by means of magnets or choker slings.

(c) Cylinders shall be moved by tilting and rolling them on their bottom edges. They shall not be intentionally dropped, struck, or permitted to strike each other violently.

(d) When cylinders are transported by powered vehicles, they shall be secured in a vertical position.

(e) Valve protection caps shall not be used for lifting cylinders from one vertical position to another. Bars shall not be used under valves or valve protection caps to pry cylinders loose when frozen. Warm, not boiling, water shall be used to thaw cylinders loose.

(f) Unless cylinders are firmly secured on a special carrier intended for this purpose, regulators shall be removed and valve protection caps put in place before cylinders are moved.

(g) A suitable cylinder truck, chain, or other steady-ing device shall be used to keep cylinders from being knocked over while in use. Such cylinders are not considered to be "in storage."

(h) When a job is finished, when cylinders are empty or when cylinders are moved at any time, the cylinder valve shall be closed.

(i) Compressed gas cylinders shall be secured in an upright position at all times except, if necessary, for short periods of time while cylinders are actually being hoisted or carried.

(j) Oxygen. Oxygen cylinders in storage shall be separated from fuel-gas cylinders or combustible materials (especially oil or grease), a minimum distance of 20 feet or by a noncombustible barrier at least 5 feet high having a fire-resistance rating of at least one-half hour.

(2) Placing cylinders. (a) Cylinders shall be kept far enough away from the actual welding or cutting operation so that sparks, hot slag, or flame will not reach them. When this is impractical, fire resistant shields shall be provided.

(b) Cylinders shall be placed where they cannot become part of an electrical circuit. Electrodes shall not be struck against a cylinder to strike an arc.

(c) Fuel gas cylinders shall be placed with valve end up whenever they are in use. They shall not be placed in a location where they would be subject to open flame, hot metal, or other sources of artificial heat.

(d) Cylinders containing oxygen or acetylene or other fuel gas shall not be taken into confined spaces.

(3) Treatment of cylinders. (a) Cylinders, whether full or empty, shall not be used as rollers or supports.

(b) No person other than the gas supplier shall attempt to mix gases in a cylinder. No one except the owner of the cylinder or person authorized by him, shall refill a cylinder. No one shall use a cylinder's contents for purposes other than those intended by the supplier. All cylinders used shall meet the department of transportation requirements, Specification for Cylinders, (49 CFR Part 178, Subpart C).

(c) No damaged or defective cylinder shall be used.

(4) Use of fuel gas. The employer shall thoroughly instruct employees in the safe use of fuel gas, as follows:

(a) Before a regulator to a cylinder valve is connected, the valve shall be opened slightly and closed immediately. (This action is generally termed "cracking" and is intended to clear the valve of dust or dirt that might otherwise enter the regulator.) The person cracking the valve shall stand to one side of the outlet, not in front of it. The valve of a fuel gas cylinder shall not be cracked where the gas would reach welding work, sparks, flame, or other possible sources of ignition.

(b) The cylinder valve shall always be opened slowly to prevent damage to the regulator. For quick closing, valves on fuel gas cylinders shall not be opened more than 1 1/2 turns. When a special wrench is required, it shall be left in position on the stem of the valve while the cylinder is in use so that the fuel gas flow can be shut off quickly in case of an emergency. In the case of manifolded or coupled cylinders, at least one such wrench shall always be available for immediate use. Nothing shall be placed on top of a fuel gas cylinder, when in use, which may damage the safety device or interfere with the quick closing of the valve.

(c) Fuel gas shall not be used from cylinders through torches or other devices which are equipped with shutoff valves without reducing the pressure through a suitable regulator attached to the cylinder valve or manifold.

(d) Before a regulator is removed from a cylinder valve, the cylinder valve shall always be closed and the gas released from the regulator.

(e) If, when the valve on a fuel gas cylinder is opened, there is found to be a leak around the valve stem, the valve shall be closed and the gland nut tightened. If this action does not stop the leak, the use of the cylinder shall be discontinued, and it shall be properly tagged and removed from the work area. In the event that fuel gas should leak from the cylinder valve, rather than from the valve stem, and the gas cannot be shut off, the cylinder shall be properly tagged and removed from the work area. If a regulator attached to a cylinder valve will effectively stop a leak through the valve seat, the cylinder need not be removed from the work area.

(f) If a leak should develop at a fuse plug or other safety device, the cylinder shall be removed from the work area.

(g) Cylinders not having fixed hand wheels shall have keys, handles, or nonadjustable wrenches on valve stems while in service. In multiple cylinder installations one and only one key or handle is required for each manifold.

(5) Fuel gas and oxygen manifolds. (a) Fuel gas and oxygen manifolds shall bear the name of the substance they contain in letters at least 1-inch high which shall be either painted on the manifold or on a sign permanently attached to it.

(b) Fuel gas and oxygen manifolds shall be placed in safe, well ventilated, and accessible locations. They shall not be located within enclosed spaces.

(c) Manifold hose connections, including both ends of the supply hose that lead to the manifold, shall be such that the hose cannot be interchanged between fuel gas and oxygen manifolds and supply header connections.

Adapters shall not be used to permit the interchange of hose. Hose connections shall be kept free of grease and oil.

(d) When not in use, manifold and header hose connections shall be capped.

(e) Nothing shall be placed on top of a manifold, when in use, which will damage the manifold or interfere with the quick closing of the valves.

(6) Hose. (a) Fuel gas hose and oxygen hose shall be easily distinguishable from each other. The contrast may be made by different colors or by surface characteristics readily distinguishable by the sense of touch. Oxygen and fuel gas hoses shall not be interchangeable. A single hose having more than one gas passage shall not be used.

(b) When parallel sections of oxygen and fuel gas hose are taped together, not more than 4 inches out of 12 inches shall be covered by tape.

(c) All hose in use, carrying acetylene, oxygen, natural or manufactured fuel gas, or any gas or substance which may ignite or enter into combustion, or be in any way harmful to employees, shall be inspected at the beginning of each working shift. Defective hose shall be removed from service.

(d) Hose which has been subject to flashback, or which shows evidence of severe wear or damage, shall be tested to twice the normal pressure to which it is subject, but in no case less than 300 p.s.i. Defective hose, or hose in doubtful condition, shall not be used.

(e) Hose couplings shall be of the type that cannot be unlocked or disconnected by means of a straight pull without rotary motion.

(f) Boxes used for the storage of gas hose shall be ventilated.

(g) Hoses, cables, and other equipment shall be kept clear of passageways, ladders and stairs.

(7) Torches. (a) Clogged torch tip openings shall be cleaned with suitable cleaning wires, drills, or other devices designed for such purpose.

(b) Torches in use shall be inspected at the beginning of each working shift for leaking shutoff valves, hose couplings, and tip connections. Defective torches shall not be used.

(c) Torches shall be lighted by friction lighters or other approved devices, and not by matches or from hot work.

(8) Regulators and gauges. Oxygen and fuel gas pressure regulators, including their related gauges, shall be in proper working order while in use.

(9) Oil and grease hazards. Oxygen cylinders and fittings shall be kept away from oil or grease. Cylinders, cylinder caps and valves, couplings, regulators, hose, and apparatus shall be kept free from oil or greasy substances and shall not be handled with oily hands or gloves. Oxygen shall not be directed at oily surfaces, greasy clothes, or within a fuel oil or other storage tank or vessel.

(10) Additional rules. For additional details not covered in this Part, applicable portions of American National Standards Institute, Z49.1-((1967))1973, Safety in Welding and Cutting, shall apply.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

✓WAC 296-155-405 ARC WELDING AND CUTTING. (1) Manual electrode holders. (a) Only manual electrode holders which are specifically designed for arc welding and cutting, and are of a capacity capable of safely handling the maximum rated current required by the electrodes, shall be used.

(b) Any current-carrying parts passing through the portion of the holder which the arc welder or cutter grips in his hand, and the outer surfaces of the jaws of the holder, shall be fully insulated against the maximum voltage encountered to ground.

(2) Welding cables and connectors. (a) All arc welding and cutting cables shall be of the completely insulated, flexible type, capable of handling the maximum current requirements of the work in progress, taking into account the duty cycle under which the arc welder or cutter is working.

(b) Only cable free from repair or splices for a minimum distance of 10 feet from the cable end to which the electrode holder is connected shall be used, except that cables with standard insulated connectors or with splices whose insulating quality is equal to that of the cable are permitted.

(c) When it becomes necessary to connect or splice lengths of cable one to another, substantial insulated connectors of a capacity at least equivalent to that of the cable shall be used. If connections are effected by means of cable lugs, they shall be securely fastened together to give good electrical contact, and the exposed metal parts of the lugs shall be completely insulated.

(d) Cables in need of repair shall not be used. When a cable, other than the cable lead referred to in subdivision (b) of this subsection, becomes worn to the extent of exposing bare conductors, the portion thus exposed shall be protected by means of rubber and friction tape or other equivalent insulation.

(3) Ground returns and machine grounding. (a) A ground return cable shall have a safe current carrying capacity equal to or exceeding the specified maximum output capacity of the arc welding or cutting unit which it services. When a single ground return cable services more than one unit, its safe current-carrying capacity shall equal or exceed the total specified maximum output capacities of all the units which it services.

(b) Pipelines containing gases or flammable liquids, or conduits containing electrical circuits, shall not be used as a ground return. For welding on natural gas pipelines, the technical portions of regulations issued by the Department of Transportation, Office of Pipeline Safety, Minimum Federal Safety Standards for Gas Pipelines shall apply. (49 CFR Part 192, Subpart C.)

(c) When a structure or pipeline is employed as a ground return circuit, it shall be determined that the required electrical contact exist at all joints. The generation of an arc, sparks, or heat at any point shall cause rejection of the structures as a ground circuit.

(d) When a structure or pipeline is continuously employed as a ground return circuit, all joints shall be bonded, and periodic inspections shall be conducted to

ensure that no condition of electrolysis or fire hazard exists by virtue of such use.

(e) The frames of all arc welding and cutting machines shall be grounded either through a third wire in the cable containing the circuit conductor or through a separate wire which is grounded at the source of the current. Grounding circuits, other than by means of the structure, shall be checked to ensure that the circuit between the ground and the grounded power conductor has resistance low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current.

(f) All ground connections shall be inspected to ensure that they are mechanically strong and electrically adequate for the required current.

(4) Operating instructions. Employers shall instruct employees in the safe means of arc welding and cutting as follows:

(a) When electrode holders are to be left unattended, the electrodes shall be removed and the holders shall be so placed or protected that they cannot make electrical contact with employees or conducting objects.

(b) Hot electrode holders shall not be dipped in water; to do so may expose the arc welder or cutter to electric shock.

(c) When the arc welder or cutter has occasion to leave his work or to stop work for any appreciable length of time, or when the arc welding or cutting machine is to be moved, the power supply switch to the equipment shall be opened.

(d) Any faulty or defective equipment shall be reported to the supervisor.

(e) Other requirements, as outlined in Article 630, National Electrical Code, NFPA 70-((1971))1984; ANSI ((C1-1971 (Rev. of 1968))) C2-1984, Electric Welders, shall be followed when applicable.

(5) Shielding. Whenever ((practicable)) practical, all arc welding and cutting operations shall be shielded by noncombustible or flameproof screens which will protect employees and other persons working in the vicinity from the direct rays of the arc.

(6) Employee protection. Where welding or cutting operations are being performed in areas where it is possible for molten slag to contact other employees, those employees shall be protected from being burned by providing overhead protection, barricading the impact area, or other effective means.

NEW SECTION

✓WAC 296-155-407 PROTECTIVE CLOTHING.

(1) General requirements. Employees exposed to the hazards created by welding, cutting, or brazing operations shall be protected by personal protective equipment in accordance with the requirements of WAC 296-24-07501. Appropriate protective clothing required for any welding operation will vary with the size, nature and location of the work to be performed.

(2) Specified protective clothing. Protective means which may be employed are as follows:

(a) Except when engaged in light work, all welders should wear flameproof gauntlet gloves.

(b) Flameproof aprons made of leather, or other suitable material may also be desirable as protection against radiated heat and sparks.

(c) Woolen clothing preferable to cotton because it is not so readily ignited and helps protect the welder from changes in temperature. Cotton clothing, if used, should be chemically treated to reduce its combustibility. All outer clothing such as jumpers or overalls should be reasonably free from oil or grease.

(d) Sparks may lodge in rolled-up sleeves or pockets of clothing, or cuffs of overalls or trousers. It is therefore recommended that sleeves and collars be kept buttoned and pockets be eliminated from the front of overalls and aprons. Trousers or overalls should not be turned up on the outside.

NOTE: For heavy work, fire-resistant leggings, high boots, or other equivalent means should be used.

(e) In production work a sheet metal screen in front of the worker's legs can provide further protection against sparks and molten metal in cutting operations.

(f) Capes or shoulder covers made of leather or other suitable materials should be worn during overhead welding or cutting operations. Leather skull caps may be worn under helmets to prevent head burns.

(g) For overhead welding and cutting, or welding and cutting in extremely confined spaces, ear protection is sometimes desirable.

(h) Where there is exposure to sharp or heavy falling objects, or a hazard of bumping in confined spaces, hard hats or head protectors shall be used.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

✓WAC 296-155-425 DEFINITIONS APPLICABLE TO THIS PART. (1) The definition of "approved" as set forth in WAC 296-155-012(1) shall apply.

(2) "Bonding jumper" means a conductor to assure the required electrical conductivity between metal parts required to be electrically connected.

(3) "Branch circuits" mean that portion of a wiring system extending beyond the final overcurrent device protecting the circuit. (A device not approved for branch circuit protection, such as thermal cutout or motor overload protective device, is not considered as the overcurrent device protecting the circuit.)

(4) "Circuit breaker" means a device designed to open and close a circuit by manual means, and to open the circuit automatically on a predetermined overload of current, without injury to itself when properly applied within its rating.

(5) "Exposed" (as applied to live parts) means that a live part can be inadvertently touched or approached nearer than a safe distance by a person. This term applies to parts not suitably guarded, isolated, or insulated.

(6) "Ground" means a conducting connection, whether intentional or accidental, between an electrical circuit or equipment and earth, or to some conducting body which serves in place of the earth.

(7) "Grounded" means connected to earth or to some conducting body which serves in place of the earth.

(8) "Ground-fault circuit-interrupter" means a fast acting circuit breaker that is sensitive to very low levels of current leakage to ground. The device is designed to limit the electric shock to a current and time duration below that which can cause serious injury.

(9) "Hazard" means to include casualty, fire, and shock when applicable.

~~((9))~~ (10) "Isolated" means not readily accessible to personnel unless special means of access are used.

~~((10))~~ (11) "Raceway" means any channel for loosely holding wires or cables in interior work which is designed expressly and used solely for this purpose. Raceways may be of metal, wood, or insulating material, and the term includes wood and metal moldings consisting of a backing and capping, and also metal ducts into which wires are to be pulled.

~~((11))~~ (12) "Shock hazard" means to exist at an accessible part in a circuit between the part and ground, or other accessible parts if the potential is more than 42.4 volts peak and the current through a 1,500-ohm load is more than 5 milliamperes.

~~((12))~~ (13) "Weatherproof" means so constructed or protected that exposure to the weather shall not interfere with successful operation.

AMENDATORY SECTION (Amending Order 77-20, filed 10/8/77)

✓WAC 296-155-430 GENERAL REQUIREMENTS. (1) All electrical work, installations, and wire capacities shall be in accordance with ~~((pertinent))~~ the provisions of the National Electrical Code, NFPA 70-~~((1971, ANSI C1-1971 (Rev. of 1968)))~~1984, and the National Electrical Safety Code, National Bureau of Standards, Part 4 (ANSI C2.4) unless otherwise provided by ~~((standards of))~~ this chapter. All electrical material and utilization equipment shall be listed by a nationally recognized testing laboratory and shall be as marked or labeled.

(2) Applicability. The standards of this part apply only to electrical installations used on the jobsite, both temporary and permanent.

(3) Protection of employees. (a) No employer shall permit an employee to work in such proximity to any part of an electric power circuit that he may contact the same in the course of his work unless the employee is protected against electric shock by deenergizing the circuit and grounding it or by guarding it by effective insulation or other equally effective means.

~~((b))~~ (i) Before work is begun the employer shall ascertain by inquiry or direct observation, or by instruments, whether any part of an electric power circuit, exposed or concealed, is so located that the performance of the work may bring any person, tool, or machine into physical or electrical contact therewith. The employer shall post and maintain proper warning signs where such circuit exists. He shall advise his employees of the location of such lines, the hazards involved and the protective measures to be taken.

(ii) No person, firm, corporation, or agent of same, shall require or permit any employee to perform any function in proximity to electrical conductors or to engage in any excavation, construction, demolition, repair,

or other operation, unless and until danger from accidental contact with said electrical conductors has been effectively guarded by de-energizing the circuit and grounding it or by guarding it by effective insulation or other effective means.

(b) No work shall be performed, no material shall be piled, stored or otherwise handled, no scaffolding, commercial signs, or structures shall be erected or dismantled, nor any tools, machinery or equipment operated within the specified minimum distances from any energized high voltage electrical conductor capable of energizing the material or equipment; except where the electrical distribution and transmission lines have been de-energized and visibly grounded at point of work, or where insulating barriers not a part of or an attachment to the equipment have been erected, to prevent physical contact with the lines, equipment shall be operated proximate to, under, over, by, or near energized conductors only in accordance with the following:

(i) For lines rated 50 kv. or below, minimum clearance between the lines and any part of the equipment or load shall be 10 feet.

(ii) For lines rated over 50 kv. minimum, clearance between the lines and any part of the equipment or load shall be 10 feet plus 0.4 inch for each 1 kv. over 50 kv., or twice the length of the line insulator but never less than 10 feet.

(c) If relocation of the electrical conductors is necessary, arrangements shall be made with the owners of the lines for such relocation.

(d) Barriers. (i) Barriers shall be of such character and construction as to effectively provide the necessary protection without creating other hazards or jeopardizing the operation of the electrical circuits.

(ii) Barriers installed within the 10 ft. clearance from conductors shall be installed only under the supervision of authorized and qualified persons and this shall include a representative of the electrical utility or owner involved.

(e) Exceptions. (i) These rules do not apply to the construction, reconstruction, operation, and maintenance, of overhead electrical lines, structures, and associated equipment by authorized and qualified electrical workers.

(ii) These rules do not apply to authorized and qualified employees engaged in the construction, reconstruction, operation, and maintenance, of overhead electrical circuits or conductors and associated equipment of rail transportation systems or electrical generating, transmission, distribution and communication systems which are covered by chapters 296-45 and 296-32 WAC.

(f) Special precautions must be taken:

(i) When handling any winch lines, guy wires, or other free cable, wire or rope in the vicinity of any electrical conductors.

(ii) When pulling a winch line, or other cable or rope under energized electrical conductors from a boom, mast, pile driver, etc., in such a manner as to make possible an approach to within 10 ft. of a conductor.

(iii) When there is possibility of a winch line, cable, etc., either becoming disconnected or breaking under

load because of excessive strain and flipping up into overhead conductors.

(iv) When placing steel, concrete reinforcement, wire mesh etc.

(v) When handling pipe or rod sections in connection with digging wells or test holes.

(vi) When moving construction equipment, apparatus, machinery, etc., all such movements must avoid striking supporting structures, guy wires, or other elements of the electrical utility system causing the conductors to so swing or move as to decrease clearances to less than 10 ft. from construction equipment, or to cause them to come together.

(g) Warning sign required.

(i) An approved durable warning sign legible at 12 ft., reading "It is unlawful to operate this equipment within 10 ft. of electrical conductors" shall be posted and maintained in plain view of the operator at the controls of each crane, derrick, shovel, drilling rig, pile driver or similar apparatus which is capable of vertical, lateral or swinging motion.

(ii) A similar sign shall be installed on the outside of the equipment and located as to be readily visible to mechanics or other persons engaged in the work operation.

(iii) Signs shall be not less than 6" x 8" dimensions with the word "WARNING" or "DANGER" in large letters and painted red across the top and the other letters in black painted on yellow background.

(h) Any overhead wire shall be considered to be an energized line until the owner of such line or the electrical utility authorities indicate that it is not an energized line and it has been visibly grounded.

(4) Passageways and open spaces. Suitable barriers or other means shall be provided to ensure that workspace for electrical equipment will not be used as a passageway during periods when energized parts of electrical equipment are exposed.

(5) Workspace around equipment. Sufficient space shall be provided and maintained in the area of electrical equipment to permit ready and safe operation and maintenance of such equipment. When parts are exposed, the minimum clearance for the workspace shall be not less than 6 1/4 feet high, nor less than a radius of 3 feet wide, and there shall be clearance sufficient to permit at least a 90° opening of all doors or hinged panels. All working clearances shall be maintained in accordance with Article 110-16, National Electrical Code, NFPA 70-((+97+))1984; ANSI C1-1971 (Rev. of 1968).

(6) Load ratings. In existing installations no changes in circuit protection shall be made to increase the load in excess of the load rating of the circuit wiring, as specified in National Electric Code, NFPA 70-((+97+))1984; ANSI C1-1971 (Rev. of 1968), Article 310. Before work commences on construction sites, all electrical conductors to the job site shall be checked for proper voltage.

(7) Lockout and tagging of circuits. (a) Equipment or circuits that are deenergized shall be rendered inoperative and have tags and locked padlocks attached at all

points where such equipment or circuits can be energized.

(b) Controls that are ~~((to be))~~ deactivated during the course of work on energized or de-energized equipment or circuits shall be tagged and padlocked in the open position.

(c) Tags shall be placed to identify plainly the equipment or circuits being worked on.

(8) Ground-fault protection. (a) Notwithstanding the provisions of subsections (1) through (7) of this section, the requirement in section 210-7 of the 1971 National Electric Code (NFPA ~~((70-1971))~~ 70-1984; ANSI C1-1971) that all 15- and 20-ampere receptacle outlets on single-phase circuits for construction sites have approved ground-fault circuit protection for personnel does not apply. In lieu thereof, the employer shall use either ground-fault circuit interrupters as specified in subsection (8)(b) of this section or an assured equipment grounding conductor program as specified in subsection (8)(c) of this section, to protect employees on construction sites. These requirements are in addition to any other requirements for equipment grounding conductors.

(b) Ground-fault circuit interrupters. All 120-volt, single-phase ~~((, 15- and 20-ampere))~~ receptacle outlets on construction sites, which are not a part of the permanent wiring of the building or structure and which are in use by employees, shall have approved ground-fault circuit interrupters for personnel protection. Receptacles on a two-wire, single-phase portable or vehicle-mounted generator rated not more than 5kW, where the circuit conductors of the generator are insulated from the generator frame and all other grounded surfaces, need not be protected with ground-fault circuit interrupters. Ground fault circuit interrupters shall be tested in accordance with the manufacturers recommendations.

(c) Assured equipment grounding conductor program. The employer shall establish and implement an assured equipment grounding conductor program on construction sites covering all cord sets, receptacles which are not a part of the permanent wiring of the building or structure, and equipment connected by cord and plug which are available for use or used by employees. This program shall comply with the following minimum requirements:

(i) A written description of the program, including the specific procedures adopted by the employer, shall be available at the jobsite for inspection and copying by the director and any affected employee.

(ii) The employer shall designate one or more competent persons ~~((t))~~ as defined in WAC 296-155-012(3)(~~t~~) to implement the program and perform continuing tests and inspections as required.

(iii) Each cord set, attachment cap, plug and receptacle of cord sets, and any equipment connected by cord and plug, except cord sets and receptacles which are fixed and not exposed to damage, shall be visually inspected before each day's use for external defects, such as deformed or missing pins or insulation damage, and for indication of possible internal damage. Equipment found damaged or defective may not be used until repaired.

(iv) The following tests shall be performed on all cord sets, receptacles which are not a part of the permanent

wiring of the building or structure, and cord- and plug-connected equipment required to be grounded:

(A) All equipment grounding conductors shall be tested for continuity and shall be electrically continuous.

(B) Each receptacle and attachment cap or plug shall be tested for correct attachment of the equipment grounding conductor. The equipment grounding conductor shall be connected to its proper terminal.

(C) Each outlet receptacle, or power source shall be tested to ensure proper polarity.

(v) All required tests shall be performed:

(A) Before first use;

(B) Before equipment is returned to service following any repairs;

(C) Before equipment is used after any incident which can be reasonably suspected to have caused damage (for example, when a cord set is run over); and

(D) At intervals not to exceed 3 months, except that cord sets and receptacles which are fixed and not exposed to damage shall be tested at intervals not exceeding 6 months.

(vi) The employer may not make available or permit the use by employees of any equipment which has not met the requirements of subsection (8)(c) of this section.

(vii) Tests performed as required in this subsection shall be recorded. This test record shall identify each receptacle, cord set, and cord- and plug-connected equipment that passed the test, and shall indicate the last date it was tested or the interval for which it was tested. This record shall be kept by means of logs, color coding, or other effective means, and shall be maintained until replaced by a more current record. The record shall be made available on the jobsite for inspection by the director and any affected employee.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

✓ WAC 296-155-435 GROUNDING AND BONDING. (1) Portable and/or cord and plug-connected equipment. (a) The noncurrent-carrying metal parts of portable and/or plug-connected equipment shall be grounded.

(b) Portable tools and appliances protected by an approved system of double insulation, or its equivalent, need not be grounded. Where such an approved system is employed, the equipment shall be distinctively marked.

(2) Fixed equipment. Exposed noncurrent-carrying metal parts of fixed electrical equipment, including motors, generators, frames and tracks of electrically operated cranes, electrically driven machinery, etc., shall be grounded.

(3) Effective grounding. The path from circuits, equipment, structures, and conduit or enclosures to ground shall be permanent and continuous; have ample carrying capacity to conduct safely the currents liable to be imposed on it; and have the impedance sufficiently low to limit the potential above ground and to result in the operation of the overcurrent devices in the circuit.

(4) Ground resistance. Driven rod electrodes shall, where practicable, have a resistance to ground not to exceed 25 ohms. Where the resistance is not as low as 25

ohms, two or more electrodes connected in parallel shall be used.

(5) Testing of grounds. Grounding circuits shall be checked to ensure that the circuit between the ground and the grounded power conductor has a resistance which is low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current. When grounding circuits have been approved by the electrical utility prior to final hook-up, the employer is relieved of responsibility for such testing.

(6) Extension cords. Extension cords used with portable electric tools and appliances shall be ~~((of))~~ stranded three-wire type designed for hard usage in accordance with article 400 of the National Electrical Code.

(7) Bonding. (a) Conductors used for bonding and grounding stationary and moveable equipment shall be of ample size to carry the anticipated current.

(b) When attaching bonding and grounding clamps or clips, a secure and positive metal-to-metal contact shall be made. Such attachments shall be made before closures are opened and material movements are started and shall not be broken until after material movements are stopped and closures are made.

(8) Temporary wiring. All temporary wiring shall be effectively grounded in accordance with the National Electrical Code, NFPA No. 70-1971 or ANSI ~~((E-1971))~~ C1-1984.

(9) Construction site. Precautions shall be taken to make any necessary open wiring inaccessible to unauthorized personnel.

(10) Temporary lighting. (a) Temporary lights shall be ~~((equipped with guards))~~ protected by guards of a nonconductive or insulated material to prevent accidental contact with the bulb, except that guards are not required when the construction of the reflector is such that the bulb is deeply recessed.

(b) Temporary lights shall be equipped with ~~((heavy duty))~~ hard usage (S or SJ types) electric cords with connections and insulation maintained in safe condition. "Brewery" cord (type CBO or NB) may be substituted for hard usage cord provided it is protected from physical damages. Temporary lights shall not be suspended by their electric cords unless cords and lights are designed for this means of suspension. Splices shall ~~((have insulation equal to that of the cable))~~ retain the insulation, outer sheath properties, flexibility, and usage characteristics of the cord being spliced.

(i) When pin-type connectors or lampholders are utilized, the area of perforations caused by lampholder removal shall be restored to the insulation capabilities of the cord.

(ii) Temporary lighting circuits shall not be used to supply power to portable tools.

(c) Working spaces, walkways, and similar locations shall be kept clear of cords so as not to create a hazard to employees.

(d) Portable electric lighting used in moist ~~((and))~~ or other hazardous locations ~~((, as for example,))~~ shall be equipped with ground fault circuit interrupters. Portable electric lighting used in electrically conductive drums, tanks, ~~((and))~~ vessels and other similar locations shall be operated at a maximum of 12 volts.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

✓ WAC 296-155-440 EQUIPMENT INSTALLATION AND MAINTENANCE. (1) Flexible cable and cords. (a) Receptacles for attachment plugs shall be approved, concealed contact type with a contact for extending ground continuity and shall be so designed and constructed that the plug may be pulled out without leaving any live parts exposed to accidental contact. All temporary outlet boxes shall be of a type suitable for use in wet or damp locations.

(b) Where different voltages, frequencies, or types of current (a.c. or d.c.) are to be supplied by portable cords, receptacles shall be of such design that attachment plugs used on such circuits are not interchangeable.

(c) Attachment plugs or other connectors supplying equipment at more than 300 volts shall be of the skirted type or otherwise so designed that arcs will be confined.

(d) Attachment plugs for use in work areas shall be so constructed that they will endure rough use and be equipped with a suitable cord grip to prevent strain on the terminal screws.

(e) Flexible cord shall be used only in continuous lengths without splice, except suitable molded or vulcanized splices may be used where properly made, and the insulation shall be equal to the cable being spliced and wire connections soldered.

(f) Trailing cables shall be protected from damage.

(g) Splices in trailing cable shall be mechanically strong components and insulated to retain the mechanical and dielectric strength of the original cable.

(h) Cord and cable passing through work areas shall be covered or elevated to protect it from damage which would create a hazard to employees.

(i) Handlamps of the portable type shall be of ~~((the))~~ molded composition or other type approved for the purpose. ~~((Brass))~~ Metal-shell, paper-lined lampholders shall not be used. Handlamps shall be equipped with a handle and a substantial guard over the bulb and attached to the lampholder or the handle.

(j) Worn or frayed electric cords and cables shall not be used.

(k) Extension cords shall be protected against accidental damage as may be caused by traffic, sharp corners, or projections and pinching in doors or elsewhere.

(l) Extension cords shall not be fastened with staples, hung from nails, or suspended by wire.

(m) Working spaces, walkways, or similar locations shall be kept clear of extension cords so as not to create a tripping hazard to employees.

(2) Overcurrent protection. (a) Overcurrent protection shall be provided by fuses or circuit breakers for each feeder and branch circuit, and shall be based on the current-carrying capacity of the conductors supplied and the power load being used.

(b) No overcurrent device shall be placed in any permanently grounded conductor, except where the overcurrent device simultaneously opens all conductors of the circuit or for motor running protection.

(c) When fuses are installed or removed with one or both terminals energized, special tools insulated for the voltage shall be used.

(3) Switches, circuit breakers, and disconnecting means. (a) Each disconnecting means for motors and appliances, and each service feeder or branch circuit at the point where it originates, shall be legibly marked to indicate its purpose unless located and arranged so the purpose is evident.

(b) Disconnecting means shall be located or shielded so that employees will not be injured.

(c) Boxes for disconnecting means shall be securely and rigidly fastened to the surface upon which they are mounted and fitted with covers.

(d) Boxes and disconnecting means installed in damp or wet locations shall be waterproof to the extent that water does not enter or accumulate.

(4) Transformers. (a) Energized transformers and other related electrically energized equipment over 150 volts to ground shall be protected so as to prevent accidental contact with any person. Protection shall be provided by individual integrated housing or by an enclosure, such as an electrical substation fence, which accommodates a group of such equipment. Metallic enclosures shall be grounded.

(b) Access to energized equipment covered by subdivision (a) of this subsection shall be secured by lock or other fasteners requiring the use of tools to open them.

(c) Signs indicating danger and prohibiting unauthorized access shall be conspicuously displayed on the housing or other enclosure around the equipment.

(d) Transformers mounted on utility poles at a height of more than 12 feet from the ground are exempt from the requirements of this subsection.

(5) Welding and cutting equipment. Welding and cutting equipment shall meet the requirements specified in Parts D and H of this chapter.

296-155-48518 Table J-16.

296-155-48519 Table J-17.

AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

WAC 296-155-475 DEFINITIONS. (1)

"Ladders" (a) "cleats" means ladder crosspieces of rectangular cross section placed on edge on which a person may step in ascending or descending.

(b) "Single cleat ladder" means one which consists of a pair of side rails, usually parallel, but with flared side rails permissible, connected together with cleats that are joined to the side rails at regular intervals.

(c) "Double cleat ladder" means one that is similar to a single cleat ladder, but is wider, with an additional center rail which will allow for two-way traffic for workers in ascending and descending.

(2) "Scaffolding" (a) "bearer" means a horizontal member of a scaffold upon which the platform rests and which may be supported by ledgers.

(b) "Boatswain's chair" means a seat supported by slings attached to a suspended rope, designed to accommodate one employee in a sitting position.

(c) "Brace" means a tie that holds one scaffold member in a fixed position with respect to another member.

(d) "Bricklayers' square scaffold" means a scaffold composed of framed wood squares which support a platform, limited to light and medium duty.

(e) "Built-up scaffold" means a rigidly constructed scaffold, built up where it is going to be used and dismantled when its purpose has been accomplished.

(f) "Carpenters' bracket scaffold" means a scaffold consisting of wood or metal brackets supporting a platform.

(g) "Coupler" means a device for locking together the component parts of a tubular metal scaffold. (The material used for the couplers shall be of a structural type, such as a dropforged steel, malleable iron, or structural grade aluminum.)

(h) "Crawling board or chicken ladder" means a plank with cleats spaced and secured at equal intervals, for use by a worker on roofs, not designed to carry any material.

(i) "Double pole or independent pole scaffold" means a scaffold supported from the base by a double row of uprights, independent of support from the walls and constructed of uprights, ledgers, horizontal platform bearers, and diagonal bracing.

(j) "Float or ship scaffold" means a scaffold hung from overhead supports by means of ropes and consisting of a substantial platform having diagonal bracing underneath, resting upon and securely fastened to two parallel plank bearers at right angles to the span.

(k) "Standard guardrail" means a ~~((rail that will be))~~ horizontal barrier at the perimeter of any surface edge presenting a potential fall hazard constructed to provide a smooth surfaced top rail a distance of not more than 42 inches or less than 36 inches above the walking surface. An intermediate rail shall be installed half way between the walking surface and the top of the top rail.

SUBCHAPTER PART J WAC

Ladders (~~and scaffolding~~), scaffolds and elevating work platforms

WAC

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The anchoring of posts and framing of members for railings of all types shall be ~~((of))~~ such ~~((construction))~~ that the completed structure ~~((shall be))~~ is capable of withstanding a load of at least 200 pounds applied in any direction at any point on the top rail with a minimum deflection.

NOTE: Where 2 x 4 inch lumber is used for rails and posts, upright posts spaced at intervals not exceeding 8 feet will achieve the 200 pounds loading criteria.

(l) "Heavy duty scaffold" means a scaffold designed and constructed to carry a working load not to exceed 75 pounds per square foot.

(m) "Horse scaffold" means a scaffold for light or medium duty, composed of horses supporting a work platform.

(n) "Interior hung scaffold" means a scaffold suspended from the ceiling or roof structure.

(o) "Ladder jack scaffold" means a light duty scaffold supported by brackets attached to ladders.

(p) "Leaning horse scaffold" means scaffold planks resting on two half horses supported by two legs on the ground with the point of the bearer resting against a solid portion of a structure.

(q) "Ledgers (stringer)" mean a horizontal scaffold member which extends from post to post and which supports the putlogs or bearers forming a tie between the posts.

(r) "Light duty scaffold" means a scaffold designed and constructed to carry a working load not to exceed 25 pounds per square foot.

(s) "Manually propelled mobile scaffold" means a portable rolling scaffold supported by casters.

(t) "Masons' adjustable multiple-point suspension scaffold" means a scaffold having a continuous platform supported by bearers suspended by wire rope from overhead supports, so arranged and operated as to permit the raising or lowering of the platform to desired working positions.

(u) "Maximum rated load" means the total of all loads including the working load, the weight of the scaffold, and such other loads as may be reasonably anticipated for which the scaffold is designed.

(v) "Medium duty scaffold" means a scaffold designed and constructed to carry a working load not to exceed 50 pounds per square foot.

(3) Additional definitions for "scaffolding":

(a) "Midrail" means a rail approximately midway between the guardrail and platform, secured to the uprights erected along the exposed sides and ends of platforms.

(b) "Needle beam scaffold" means a light duty scaffold consisting of needle beams supporting a platform.

(c) "Outrigger scaffold" means a scaffold supported by outriggers or thrustouts projecting beyond the wall or face of the building or structure, the inboard ends of which are secured inside or on the roof of such building or structure.

(d) "Plasters-lathers scaffold" means a tubular welded scaffold erected for, and used primarily by, the plasterer and lather trades.

(e) "Putlog" means a scaffold member upon which the platform rests.

(f) "Roofing or bearer bracket" means a bracket used in slope roof construction, having provisions for fastening to the roof or supported by ropes fastened over the ridge and secured to some suitable object.

(g) "Runner" means the lengthwise horizontal bracing or bearing members or both.

(h) "Scaffold" means any temporary elevated platform and its supporting structure used for supporting workers or materials, or both.

(i) "Single-point adjustable suspension scaffold" means a manually or power-operated unit designed for light duty use, supported by a single wire rope from an overhead support so arranged and operated as to permit the raising or lowering of the platform to desired working positions.

(j) "Single-pole scaffold" means platforms resting on putlogs or cross beams, the outside ends of which are supported on ledgers secured to a single row or posts or uprights, and the inner ends of which are supported on or in a wall.

(k) "Stone setters' adjustable multiple-point suspension scaffold" means a swinging type scaffold having a platform supported by hangers suspended at four points so as to permit the raising or lowering of the platform to the desired working position by the use of hoisting machines.

(l) "Suspended scaffold" means a scaffold supported from above, the platform of which is supported at more than two points by steel wire cables suspended from overhead outriggers which are anchored to the steel or concrete frame of the building. It is equipped with a hoisting drum or machine so the platform can be raised or lowered.

(m) "Toeboard" means a standard toeboard and shall be 4 inches ~~((minimum))~~ nominal in vertical height from its top edge to the level of the ~~((floor, platform, runway, or ramp))~~ walking surface. It shall be securely fastened in place and have not more than 1/4-inch clearance above ~~((floor))~~ walking surface level. It may be made of any substantial material, either solid, or with openings not over 1 inch in greatest dimension.

(n) "Tube and coupler scaffold" means an assembly consisting of tubing which serves as posts, bearers, braces, ties, and runners, a base supporting the posts, and special couplers which serve to connect the uprights and to join the various members.

(o) "Tubular welded frame scaffold" means a sectional panel or frame metal scaffold substantially built up of prefabricated welded sections which consists of posts and horizontal bearer with intermediate members.

(p) "Two-point suspension scaffold (swinging scaffold)" means a scaffold, the platform of which is supported by hangers (stirrups) at two points, suspended from overhead supports so as to permit the raising or lowering of the platform to the desired working position by tackle or hoisting machines.

(q) "Window jack scaffold" means a scaffold, the platform of which is supported by a bracket or jack which projects through a window opening.

(r) "Working load" means the load imposed by persons, materials, and equipment.

AMENDATORY SECTION (Amending Order 79-9, filed 7/31/79)

✓ WAC 296-155-480 LADDERS. (1) General requirements.

~~((a))~~ All ~~((applicable))~~ rules for design, construction, maintenance, operation, testing, and use of ladders contained in WAC 296-24-780 through 296-24-81013 of the general safety and health standards shall be complied with.

(a) Only type I stepladders shall be used on construction worksites, except that painters may use type II stepladders.

(b) Except where either permanent or temporary stairways or suitable ramps or runways are provided, ladders described in this Part shall be used to give safe access to all elevations.

(c) Ladders shall be maintained in good condition at all times.

(i) The joint between the steps and side rails shall be tight.

(ii) All hardware and fittings securely attached.

(iii) And the moveable parts shall operate freely without binding or undue play.

(iv) The use of ladders with broken or missing rungs or steps, broken or split side rails, or other faulty or defective construction is prohibited.

(v) When ladders with such defects are discovered, they shall be immediately withdrawn from service.

(vi) Inspection of metal ladders shall include checking for corrosion of interiors of open end hollow rungs.

(d) Manufactured portable wood ladders provided by the employer shall be in accordance with the provisions of the American National Standards Institute, ~~((A14.1-1968))~~ A14.1-1982, Safety Code for Portable Wood Ladders.

(e) Portable metal ladders shall be of strength equivalent to that of wood ladders. Manufactured portable metal ladders provided by the employer shall be in accordance with the provisions of the American National Standards Institute, ~~((A14.2-1972))~~ A14.2-1982, Safety Code for Portable Metal Ladders.

(f) Fixed ladders shall be in accordance with the provisions of the American National Standards Institute, ~~((A14.3-1956))~~ A14.3-1984, Safety Code for Fixed Ladders.

(g) The feet of portable ladders shall be placed on a substantial base, and the area around the top and bottom of the ladder shall be kept clear. Safety feet shall be maintained to ensure proper working condition.

(h) Portable ladders shall be used at such a pitch that the horizontal distance from the top support to the foot of the ladder is about one-quarter of the working length of the ladder (the length along the ladder between the foot and the top support). Ladders shall not be used in a horizontal position as platforms, runways, or scaffolds.

(i) Ladders shall not be placed in passageways, doorways, driveways, or any location where they may be displaced by activities being conducted on any other work, unless protected by barricades or guards.

(j) The side rails shall extend not less than 36 inches above the landing. When this is not practical, grab rails, which provide a secure grip for an employee moving to or from the point of access, shall be installed.

(k) Portable straight ladders in use shall be tied, blocked, equipped with safety shoes or otherwise secured to prevent their being displaced.

(l) Portable metal ladders shall not be used for electrical work or where they may contact electrical conductors.

(m) Unless otherwise stated, all lumber sizes shall be nominal.

(n) When working from a ladder (~~over 25 feet from the ground or floor~~), the ladder shall be secured at both top and bottom.

(o) No type of work shall be performed on a ladder over 25 feet from the ground or floor that requires the use of both hands to perform the work, unless a safety belt is worn and the safety lanyard is secured to the ladder.

(p) Any work (~~, such as sandblasting or spray painting~~;) that requires wearing eye protection, respirators, ~~((and))~~ or handling of pressure equipment, shall not be ~~((limited to not over 30 feet from the ground or floor while working on a ladder))~~ performed from a ladder more than twenty-five feet above the surrounding surface.

(q) Stepladders shall not be used as single ladders.

(r) Tops of ordinary types of stepladders shall not be used as steps.

(s) When working from a stepladder over five feet high a workman shall not stand on a step higher than the third step from the top of the stepladder.

(t) On two-section extension ladders the minimum overlap for the two sections shall be as follows:

Size of ladder expanded length (feet):	Overlap (feet)
Up to and including 36 _____	3
Over 36 up to and including 48 _____	4
Over 48 up to and including 60 _____	5

(u) Extension ladders shall always be erected so that the upper section is resting on the bottom section.

(v) When ascending or descending, the user shall face the ladder.

(w) Workmen shall not ascend or descend ladders while carrying tools or materials which might interfere with the free use of both hands.

(2) Job-made ladders.

(a) Job-made ladders shall be constructed for intended use.

(b) If a ladder is to provide the only means of access or exit from a working area for twenty-five or more employees, or simultaneous two-way traffic is expected, a double cleat ladder shall be installed.

(c) Double cleat ladders shall not exceed 24 feet in length.

(d) Single cleat ladders shall not exceed 30 feet in length between supports (base and top landing). If ladders are to connect different landings, or if the length required exceeds this maximum length, two or more separate ladders shall be used, offset with a platform between each ladder. Guardrails and toeboards shall be erected on the exposed sides of the platforms.

(e) The width of single cleat ladders shall be at least 15 inches, but not more than 20 inches between rails at the top.

(f) It is preferable that side rails be continuous. If splicing is necessary to attain the required length however, the splice must develop the full strength of a continuous side rail of the same length.

(g) 2-inch by 4-inch lumber shall be used for side rails of single cleat ladders up to 16 feet long; ~~((3))~~ 2-inch by 6-inch lumber, or ~~((the))~~ equivalent, shall be used for single cleat ladders from 16 to 30 feet in length.

(h) 2-inch by 4-inch lumber shall be used for side and middle rails of double cleat ladders up to 12 feet in length; 2-inch by 6-inch lumber for double cleat ladders from 12 to 24 feet in length.

(i) 1-inch by 4-inch lumber shall be used for cleats of single and double cleat ladders.

(j) Cleats shall be inset into the edges of the side rails one-half inch, or filler blocks shall be used on the rails between the cleats. The cleats shall be secured to each rail with three 10d common wire nails or other fasteners of equivalent strength. Cleats shall be uniformly spaced, 12 inches top-to-top.

(k) Side rails shall be parallel or flared top to bottom by not more than one-quarter of an inch for each 2 feet of ladder.

(l) Wood side rails of ladders having cleats shall be not less than 1-1/2 inches thick and 3-1/2 inches deep (2 inches by 4 inches nominal) when made of Group 2 or Group 3 woods (see Table J-18). Wood side rails of Group 4 wood (see Table J-18) may be used in the same cross-section of dimensions for cleat ladders up to 20 feet in length.

AMENDATORY SECTION (Amending Order 82-10, filed 3/30/82)

✓ WAC 296-155-485 SCAFFOLDING. (1) General requirements. Scaffolds shall be furnished and erected in accordance with this standard for persons engaged in work that cannot be done safely from the ground or from solid construction, except that ladders used for such work shall conform to WAC 296-155-480 through 296-155-48090.

(a) All ~~((applicable))~~ rules for design, construction, maintenance, operation, testing, and use of scaffolds contained in ~~((chapter 296-24 WAC, "General safety and health standards," shall))~~ WAC 296-24-825 through 296-24-84013 apply within the construction industry. ~~((See WAC 296-24-825 through 296-24-84013.))~~

(b) Scaffolds shall be erected in accordance with requirements of this section.

(c) The footing or anchorage for scaffolds shall be sound, rigid, and capable of carrying the maximum

intended load without settling or displacement. Unstable objects such as barrels, boxes, loose brick, or concrete blocks, shall not be used to support scaffolds or planks.

(d) No scaffold shall be erected, moved, dismantled, or altered except under the supervision of competent persons.

(e) Standard guardrails and toeboards shall be installed on all open sides and ends of platforms more than 10 feet above the ground or floor, except needle beam scaffolds and floats. Scaffolds 4 feet to 10 feet in height, having a minimum horizontal dimension in either direction of less than 45 inches, shall have standard guardrails and toeboards installed on all open sides and ends of the scaffold platform.

(f) Where persons are required to work or pass under the scaffold, scaffolds shall be provided with a screen between the toeboard and the guardrail, extending along the entire opening, consisting of No. 18 gauge U.S. Standard wire 1/2-inch mesh, or the equivalent.

(g) Scaffolds and their components shall be capable of supporting without failure at least 4 times the maximum intended load.

(h) Any scaffold including accessories such as braces, brackets, trusses, screw legs, ladders, etc. damaged or weakened from any cause shall be immediately repaired or replaced.

(i) All load-carrying timber members of scaffold framing shall be a minimum of 1,500 fiber (stress grade) construction grade lumber. All dimensions are nominal sizes as provided in the American Lumber Standards, except that where rough sizes are noted, only rough or undressed lumber of the size specified will satisfy minimum requirements.

(j) All planking shall be scaffold grades, or equivalent, as recognized by approved grading rules for the species of wood used. The maximum permissible spans for 2- x 10-inch or wider planks shall be as shown in Table J-1.

(k) The maximum permissible span for 1 1/4- x 9-inch or wider plank of full thickness shall be 4 feet with medium duty loading of 50 p.s.f.

(l) Platforms shall be level. All planking or platforms shall be overlapped (minimum 12 inches), or secured from movement ~~((and))~~. The platform shall be a minimum of two 2-inch by 10-inch planks in width or a minimum of 18 inches.

(m) An access ladder or equivalent safe access shall be provided.

(n) Scaffold planks shall extend over their end supports not less than 6 inches nor more than 12 inches.

(o) The poles, legs, or uprights of scaffolds shall be plumb, and securely and rigidly braced to prevent swaying and displacement.

(p) Overhead protection shall be provided for persons on a scaffold exposed to overhead hazards.

(q) Slippery conditions on scaffolds shall be eliminated as soon as possible after they occur.

(r) No welding, burning, riveting, or open flame work shall be performed on any staging suspended by means of fiber or synthetic rope. Only treated or protected fiber or synthetic ropes shall be used for or near any work involving the use of corrosive substances or chemicals.

Specific requirements for boatswain's chairs and float or ship scaffolds are contained in subsections (12) and (23) of this section.

(s) Wire, synthetic, or fiber rope used for scaffold suspension shall be capable of supporting at least 6 times the rated load.

(t) The use of shore or lean-to scaffolds is prohibited.

(u) The height of freestanding scaffold towers shall not exceed four times the minimum base dimension.

(2) Wood pole scaffolds.

(a) Scaffold poles shall bear on a foundation of sufficient size and strength to spread the load from the pole over a sufficient area to prevent settlement. All poles shall be set plumb.

(b) Where wood poles are spliced, the ends shall be squared and the upper section shall rest squarely on the lower section. Wood splice plates shall be provided on at least two adjacent sides and shall be not less than 4 feet in length, overlapping the abutted ends equally, and have the same width and not less than the cross-sectional area of the pole. Splice plates or other materials of equivalent strength may be used.

(c) Independent pole scaffolds shall be set as near to the wall of the building as practicable.

(d) All pole scaffolds shall be securely guyed or tied to the building or structure. Where the height or length exceeds 25 feet, the scaffold shall be secured at intervals not greater than 25 feet vertically and horizontally.

(e) Putlogs or bearers shall be set with their greater dimension vertical, and long enough to project over the ledgers of the inner and outer rows of poles at least 3 inches for proper support.

(f) Every wooden putlog on single pole scaffolds shall be reinforced with a 3/16- x 2-inch steel strip, or equivalent, secured to its lower edge throughout its entire length.

(g) Ledgers shall be long enough to extend over two pole spaces. Ledgers shall not be spliced between the poles. Ledgers shall be reinforced by bearing blocks securely nailed to the side of the pole to form a support for the ledger.

(h) Diagonal bracing shall be provided to prevent the poles from moving in a direction parallel with the wall of the building, or from buckling.

(i) Cross bracing shall be provided between the inner and outer sets of poles in independent pole scaffolds. The free ends of pole scaffolds shall be cross braced.

(j) Full diagonal face bracing shall be erected across the entire face of pole scaffolds in both directions. The braces shall be spliced only at the poles. The inner row of poles on medium and heavy duty scaffolds shall be braced in a similar manner.

(k) Platform planks shall be laid with their edges close together so the platform will be tight with no spaces through which tools or fragments of material can fall.

(l) Where planking is lapped, each plank shall lap its end supports at least 12 inches. Where the ends of planks abut each other to form a flush floor, the butt joint shall be at the centerline of a pole. The abutted ends shall rest on separate bearers. Intermediate beams shall be provided where necessary to prevent

dislodgment of planks due to deflection, and the ends shall be secured to prevent their dislodgment.

(m) When a scaffold materially changes its direction, the platform planks shall be laid to prevent tipping. The planks that meet the corner putlog at an angle shall be laid first, extending over the diagonally placed putlog far enough to have a good safe bearing, but not far enough to involve any danger from tipping. The planking running in the opposite direction at an angle shall be laid so as to extend over and rest on the first layer of planking.

(n) When moving platforms to the next level, the old platform shall be left undisturbed until the new putlogs or bearers have been set in place, ready to receive the platform planks.

(o) All wood pole scaffolds 60 feet or less in height shall be constructed and erected in accordance with Tables J-2 to J-8. If they are over 60 feet in height, they shall be designed by a qualified engineer competent in this field, and ~~((it))~~ shall be constructed and erected in accordance with such design. Design drawings shall be available at the jobsite.

(3) Tube and coupler scaffolds.

(a) A light duty tube and coupler scaffold shall have all posts, bearers, runners, and bracing of nominal 2-inch O.D. steel tubing. The posts shall be spaced no more than 6 feet apart by 10 feet along the length of the scaffold. Other structural metals when used must be designed to carry an equivalent load. No dissimilar metals shall be used together.

(b) A medium duty tube and coupler scaffold shall have all posts, runners, and bracing of nominal 2-inch O.D. steel tubing. Posts spaced not more than 6 feet apart by 8 feet along the length of the scaffold shall have bearers of nominal 2 1/2-inch O.D. steel tubing. Posts spaced not more than 5 feet apart by 8 feet along the length of the scaffold shall have bearers of nominal 2-inch O.D. steel tubing. Other structural metals, when used, must be designed to carry an equivalent load. No dissimilar metals shall be used together.

(c) A heavy duty tube and coupler scaffold shall have all posts, runners, and bracing of nominal 2-inch O.D. steel tubing, with the posts spaced not more than 6 feet by 6 feet-6 inches. Other structural metals, when used, must be designed to carry an equivalent load. No dissimilar metals shall be used together.

(d) Tube and coupler scaffolds shall be limited in heights and working levels to those permitted in Tables J-8, J-9 and J-10. Drawings and specifications of all tube and coupler scaffolds above the limitations in Tables J-8, J-9 and J-10 shall be designed by a qualified engineer competent in this field. Design drawings shall be available at the jobsite.

(e) All tube and coupler scaffolds shall be constructed and erected to support four times the maximum intended loads, as set forth in Tables J-8, J-9 and J-10, or as set forth in the specifications by a licensed professional engineer competent in this field.

(f) Posts shall be accurately spaced, erected on suitable bases, and maintained plumb.

(g) Runners shall be erected along the length of the scaffold, located on both the inside and the outside posts

at even height. Runners shall be interlocked to the inside and the outside posts at even heights. Runners shall be interlocked to form continuous lengths and coupled to each post. The bottom runners shall be located as close to the base as possible. Runners shall be placed not more than 6 feet-6 inches on centers. When tube and coupler guardrails and midrails are used on outside posts, they may be used in lieu of outside runners.

(h) Bearers shall be installed transversely between posts and shall be securely coupled to the posts with the inboard coupler bearing on the runner coupler. ((When coupled directly to the runners, the coupler must be kept as close to the posts as possible.)) Where guardrails and midrails are required, no outboard runner is required.

(i) ~~((Bearers shall be at least 4 inches but not more than 12 inches longer than the post spacing or runner spacing.~~

~~(j) Cross bracing shall be installed across the width of the scaffold at least every third set of posts horizontally and every fourth runner vertically. Such bracing shall extend diagonally from the inner and outer runners upward to the next outer and inner runners.~~

~~(k) Longitudinal diagonal bracing on the inner and outer rows of poles shall be installed at approximately a 45° angle from near the base of the first outer post upward to the extreme top of the scaffold. Where the longitudinal length of the scaffold permits, such bracing shall be duplicated beginning at every fifth post. In a similar manner, longitudinal diagonal bracing shall also be installed from the last post extending back and upward toward the first post. Where)) The length of the bearer shall exceed the post spacing of the width of the scaffold by the amount necessary to have full contact with the coupler. Bearers used to provide a cantilever support for use as brackets for light and medium-duty scaffolds shall not carry more than two ten-inch planks unless knee braced.~~

~~(j) Bracing across the width of the scaffold shall be installed at the ends of the scaffold at least at every fourth level. Such bracing shall extend diagonally from the outer post or runner at this level upward to the inner post or runner at the next level.~~

~~(k) Longitudinal diagonal bracing shall be installed on the outer rows of poles at approximately forty degrees to fifty degrees angle from near the base of the first and last outer post upward to the top center of the scaffold. If the scaffold is long, the above diagonal bracing shall be repeated. On short but high runs, the diagonal bracing shall be installed at forty degrees to fifty degrees from the base of the first outer post to the last outer post alternating directions to the top of the scaffold. When conditions preclude the attachment of this bracing to the posts, it may be attached to the runners.~~

~~(l) When a scaffold exceeds either 30 feet horizontally or 26 feet vertically, the entire scaffold shall be tied to and securely braced against the building at intervals not to exceed 30 feet horizontally and 26 feet vertically.~~

~~(4) Fabricated tubular welded frame scaffolds.~~

~~(a) Metal tubular frame scaffolds, including accessories such as braces, brackets, trusses, screw legs, ladders, etc., shall ((be designed, constructed, and erected to)) safely support four times the maximum~~

rated load. The maximum rated load shall not be exceeded.

~~(b) Spacing of panels or frames shall be consistent with the loads imposed.~~

~~(c) Scaffolds shall be properly braced by cross bracing or diagonal braces, or both, for securing vertical members together laterally, and the cross braces shall be of such length as will automatically square and aline vertical members so that the erected scaffold is always plumb, level, square, and rigid. All brace connections shall be made secure.~~

~~(d) ((Scaffold)) Panel or frame legs shall be set on adjustable bases or plain bases placed on mud sills or other foundations adequate to support the maximum rated load.~~

~~(e) The panels or frames shall be placed one on top of the other with coupling or stacking pins to provide proper vertical alinement of the legs.~~

~~(f) Where uplift may occur, panels shall be locked together vertically by pins or ((other)) equivalent ((suitable means)) method.~~

~~(g) To prevent movement, the scaffold shall be secured to the building or structure at intervals not to exceed 30 feet horizontally and 26 feet vertically.~~

~~(h) Maximum permissible spans or planking shall be in conformity with (1)(j) of this section.~~

~~(i) ((Drawings and specifications for all)) Fabricated tubular frame scaffolds over 125 feet in height above the base plates shall be designed by a registered professional engineer. Copies of the drawings and specifications shall be available at the jobsite.~~

~~(j) Guardrails, midrails, and toeboards shall be installed as required by subsection (1)(e) of this section. Wire mesh shall be provided between the toprail and toeboard when persons are working below.~~

~~(k) All fabricated tubular frame scaffolds shall be erected by competent and experienced personnel.~~

~~(l) All brackets shall be seated correctly with side brackets parallel to the frames and end brackets at ninety degrees to the frames. Brackets shall not be bent or twisted from normal position. Brackets (except mobile brackets designed to carry materials) are to be used as work platforms only and shall not be used for storage of material or equipment.~~

~~(m) Scaffold frames and their components manufactured by different companies shall not be intermixed unless they are compatible and the manufacturer has given written approval. The manufacturers letter of approval shall be available at the jobsite.~~

~~(n) Periodic inspections by the employer shall be made of all fabricated tubular frames and accessories. Any maintenance required shall be made before further use.~~

~~(5) ((Manually propelled mobile scaffolds:~~

~~(a) When freestanding mobile scaffold towers are used, the height shall not exceed four times the minimum base dimension.~~

~~(b) Casters shall be properly designed for strength and dimensions to support four times the maximum intended load. All casters shall be provided with a positive locking device to hold the scaffold in position.~~

~~(c) Scaffolds shall be properly braced by cross bracing and horizontal bracing conforming with subsection (4)(c) of this section.~~

~~(d) Platforms shall be tightly planked for the full width of the scaffold except for necessary entrance opening. Platforms shall be secured in place.~~

~~(e) A ladder or stairway shall be provided for proper access and exit and shall be affixed or built into the scaffold and so located that when in use it will not have a tendency to tip the scaffold. A landing platform must be provided at intervals not to exceed 35 feet.~~

~~(f) The force necessary to move the mobile scaffold shall be applied near or as close to the base as practicable and provision shall be made to stabilize the tower during movement from one location to another. Scaffolds shall only be moved on level floors, free of obstructions and openings.~~

~~(g) The employer shall not allow employees to ride on manually propelled scaffolds unless the following conditions exist:~~

~~(i) The floor or surface is within 3° of level, and free from pits, holes, or obstructions;~~

~~(ii) The minimum dimension of the scaffold base when ready for rolling, is at least one-half of the height. Outriggers, if used, shall be installed on both sides of staging;~~

~~(iii) The wheels are equipped with rubber or similar resilient tires;~~

~~(iv) All tools and materials are secured or removed from the platform before the mobile scaffold is moved.~~

~~(h) Scaffolds in use by any persons shall rest upon a suitable footing and shall stand plumb. The casters or wheels shall be locked to prevent any movement.~~

~~(i) Mobile scaffolds constructed of metal members shall also conform to applicable provisions of subsections (2), (3), and (4) of this section, depending on the material of which they are constructed.~~

~~(6) Elevating and rotating work platforms. Applicable requirements of American National Standards Institute A92.2-1969, Vehicle Mounted Elevating and Rotating Work Platforms, shall be complied with for such equipment, as required by the provisions of WAC 296-155-580.~~

~~(7)) Outrigger scaffolds, general.~~

~~(a) Outrigger beams shall extend not more than 6 feet beyond the face of the building. The inboard end of outrigger beams, measured from the fulcrum point to ((anchorage point)) the inboard point of support, shall be not less than 1 1/2 times the outboard end in length. The beams shall rest on edge, the sides shall be plumb, and the edges shall be horizontal. The fulcrum point of the beam shall rest on a secure bearing at least 6 inches in each horizontal dimension. The beam shall be secured in place against movement and shall be securely braced at the fulcrum point against tipping.~~

~~(b) The inboard ends of outrigger beams shall be ((securely anchored)) positively secured either by means of struts bearing against sills in contact with the overhead beams or ceiling, or by means of tension members secured to the floor joists underfoot, or by both if necessary, or by a securely fastened solid body counterweight. (Water in an open container or loose~~

material in bags shall not be permitted.) The inboard ends of outrigger beams shall be secured against tipping and the entire supporting structure shall be securely braced in both directions to prevent any horizontal movement.

(c) Unless outrigger scaffolds are designed by a registered professional engineer competent in this field, they shall be constructed and erected in accordance with Table J-11. Outrigger scaffolds, designed by a registered professional engineer, shall be constructed and erected in accordance with such design. A copy of the drawings and specifications shall be available at the jobsite.

(d) Planking shall be laid tight and shall extend to within 3 inches of the building wall. Planking shall be secured to the beams.

~~((8))~~ (6) Masons' adjustable multiple-point suspension scaffolds.

(a) The scaffold shall be capable of sustaining a working load of 50 pounds per square foot and shall not be loaded in excess of that figure.

(b) The scaffold shall be provided with hoisting machines that meet the requirements of Underwriters' Laboratories, Factory Mutual Engineering Corporation, or other agency or laboratory approved by the department of labor and industries.

(c) The platform shall be supported by wire ropes, capable of supporting at least 6 times the intended load, suspended from overhead outrigger beams.

(d) The scaffold outrigger beams shall consist of structural metal securely fastened or anchored to the frame or floor system of the building or structure.

(e) Each outrigger beam shall be equivalent in strength to at least a standard 7-inch, 15.3-pound steel I-beam, at least 15 feet long, and shall not project more than 6 feet 6 inches beyond the bearing point.

(f) Where the overhang exceeds 6 feet 6 inches, outrigger beams shall be composed of stronger beams or multiple beams and be installed under the supervision of a competent person.

(g) All outrigger beams shall be set and maintained with their webs in a vertical position.

(h) A stop bolt shall be placed at each end of every outrigger beam.

(i) The outrigger beam shall rest on suitable wood bearing blocks.

(j) The free end of the suspension wire ropes shall be equipped with proper size thimbles and secured by splicing or other equivalent means. The running ends shall be securely attached to the hoisting drum ~~((and))~~. At least four turns of wire rope shall ((at all times remain on the drum)) remain on the drum when the platform is at ground level. The use of fiber rope is prohibited.

(k) Where a single outrigger beam is used, the steel shackles or clevises with which the wire ropes are attached to the outrigger beams shall be placed directly over the hoisting drums.

(l) The scaffold platform shall be equivalent in strength to at least 2-inch planking. (For maximum planking spans, see subsection (1)(j) of this section.)

(m) When employees are at work on the scaffold and an overhead hazard exists, overhead protection shall be

provided on the scaffold, not more than 9 feet above the platform, consisting of 2-inch planking, or material of equivalent strength, laid tight, and extending not less than the width of the scaffold.

(n) Each scaffold shall be installed or relocated under the supervision of a competent person.

~~((9) (Swinging scaffolds))~~ (o) When channel iron outrigger beams are used instead of I-beams, they shall be securely fastened together with the flanges turned out.

(p) All parts of the scaffold, such as bolts, nuts, fittings, clamps, wire rope, outrigger beams and their fastenings shall be maintained in sound condition and shall be inspected before each installation and periodically thereafter. All parts shall be of the grade specified by the manufacturer.

(7) Two-point suspension scaffolds.

(a) Two-point suspension scaffold platforms shall be not less than 20 inches nor more than 36 inches wide overall. The platform shall be securely fastened to the hangers by U-bolts or by other equivalent means.

(b) The hangers of two-point suspension scaffolds shall be made of wrought iron, mild steel, or other equivalent material(s), having a cross-sectional area capable of sustaining 4 times the maximum rated load, and shall be designed with a support for guardrail, intermediate rail, and toeboard.

(c) When hoisting machines are used on two-point suspension scaffolds, such machines shall be of a design tested and approved by Underwriters' Laboratories, Factory Mutual Engineering Corporation, or by an agency or laboratory approved by the department of labor and industries.

(d) The roof irons or hooks shall be of mild steel, or other equivalent material, of proper size and design, securely installed and anchored. The roof irons or hooks and any other devices shall have tiebacks of 3/4-inch manila rope, or the equivalent, ((shaft)) to serve as a secondary means of anchorage, installed at right angles to the face of the building, whenever possible, and secured to a structurally sound portion of the building.

(e) Two-point suspension scaffolds shall be suspended by wire, synthetic or fiber ropes capable of supporting at least 6 times the rated load. All other components shall be capable of supporting at least four times the rated load.

(f) The sheaves of all blocks, consisting of at least one double and one single block, shall fit the size and type of rope used and shall be a minimum of six inches in diameter.

(g) All wire ropes, fiber and synthetic ropes, slings, hangers, platforms, and other supporting parts shall be inspected before every installation. Periodic inspections shall be made while the scaffold is in use.

(h) On suspension scaffolds designed for a working load of 500 pounds, no more than two persons shall be permitted to work at one time. On suspension scaffolds with a working load of 750 pounds, no more than three persons shall be permitted to work at one time. On suspension scaffolds with a working load of 1,000 pounds, no more than four persons shall be permitted to work at one time. Each employee shall be protected by

an approved safety life belt attached to a dropline. The droplines shall be securely attached to substantial members of the structure (not scaffold), or to securely rigged lines, which will safely suspend the employee in case of a fall. In order to keep the dropline continuously attached, with a minimum of slack, to a fixed structure, the attachment point of the dropline shall be appropriately changed as the work progresses.

(i) When a multi-tiered two-point suspension scaffold is used, it shall be provided with safety droplines that attach to each end of the scaffold through an approved quick acting safety device, in case either or both of the main suspension lines should break((;)). The lanyard of the safety belt shall be tied off to a substantial member of the scaffold itself or to a horizontal lifeline ((substantially)) attached to each end of the scaffold or a sliding device on the horizontal lifeline. The two additional safety droplines shall be individually suspended from roof irons, hooks, or other approved devices and shall be ((in the)) near ((proximity to)) the suspension droplines to prevent unnecessary side impact. The safety dropline shall ((also)) have a 6 to 1 safety factor. Such scaffolds shall be designed by a licensed professional engineer and a copy of the drawings and specifications shall be available at the jobsite.

(j) Two-point suspension scaffolds shall be securely lashed to the building or structure to prevent the scaffolds from swaying. Window cleaners' anchors shall not be used for this purpose.

(k) The platform of every two-point suspension scaffold shall be one of the following types:

(i) Ladder-type platforms. The side stringer shall be of clear straight-grained spruce or materials of equivalent strength and durability. The rungs shall be of straight-grained oak, ash, or hickory, at least 1 1/8 inch in diameter, with 7/8-inch tenons mortised into the side stringers at least 7/8-inch. The stringers shall be tied together with the tie rods not less than one-quarter inch in diameter, passing through the stringers and riveted up tight against washers on both ends. The flooring strips shall be spaced not more than five-eighths inch apart except at the side rails where the space may be 1 inch. Ladder-type platforms shall be constructed in accordance with Table J-12.

(ii) Plank-type platforms. Plank-type platforms shall be composed of not less than two nominal 2- x 10-inch unspliced planks, properly cleated together on the underside, starting 6 inches from each end; intervals in between shall not exceed 4 feet. The plank-type platform shall not extend beyond the hangers more than 12 inches. A bar or other effective means shall be securely fastened to the platform at each end to prevent its slipping off the hanger. The span between hangers for plank-type platforms shall not exceed 8 feet.

(iii) Beam-type platforms. Beam platforms shall have side stringers of lumber not less than 2 x 6 inches set on edge. The span between hangers shall not exceed 12 feet when beam platforms are used. The flooring shall be supported on 2- x 6-inch cross beams, laid flat and set into the upper edge of the stringers with a snug fit, at intervals of not more than 4 feet, securely nailed in place. The flooring shall be of 1- x 6-inch material

properly nailed. Floor boards shall not be spaced more than one-half inch apart.

(iv) Light metal-type platforms, when used, shall be tested and listed according to Underwriters' Laboratories, Factory Mutual Engineering Corporation, or the department of labor and industries.

~~((10))~~ (l) In addition to the normal operating brake, all power-driven units shall have an emergency brake which engages automatically when the normal speed of descent is exceeded.

(m) When acid solutions are used, natural or synthetic fiber rope shall not be used.

(n) Every swinging scaffold shall be tested before using by raising the platform one foot from the ground and loading it with at least four times the maximum weight to be imposed when aloft.

(8) Stone setters' adjustable multiple-point suspension scaffolds.

(a) The scaffold shall be capable of sustaining a working load of 25 pounds per square foot and shall not be overloaded. Scaffolds shall not be used for storage of stone or other heavy materials.

(b) When used, the hoisting machine and its supports shall be of a type tested and listed by Underwriters' Laboratories, Factory Mutual Engineering Corporation or the department of labor and industries.

(c) The platform shall be securely fastened to the hangers by U-bolts or other equivalent means. (For materials and spans, see item (ii) of subsection ~~((9))~~ (7)(k), Plank-type Platforms and Table J-12 of this section.)

(d) The scaffold unit shall be suspended from metal outriggers, iron brackets, wire rope slings, or iron hooks.

(e) Outriggers, when used, shall be set with their webs in a vertical position, securely anchored to the building or structure and provided with stop bolts at each end.

(f) The scaffold shall be supported by wire rope capable of supporting at least 6 times the rated load. All other components shall be capable of supporting at least 4 times the rated load.

(g) The free ends of the suspension wire ropes shall be equipped with proper size thimbles, secured by splicing or other equivalent means. The running ends shall be securely attached to the hoisting drum and at least four turns of wire rope shall remain on the drum at all times.

(h) When two or more scaffolds are used on a building or structure, they shall not be bridged one to the other; but shall be maintained at even height with platforms abutting closely.

~~((11))~~ (i) In addition to the normal operating brake, all power-driven units shall have an emergency brake which engages automatically when the normal speed of descent is exceeded.

(j) Each scaffold shall be installed or relocated in accordance with approved designs and instructions under the supervision of a competent designated person.

(k) Where additional working levels are required to be supported, the plans and specifications of the support and scaffold components shall be designed by a licensed professional engineer. These plans and specifications shall be available at the site.

(9) Single-point adjustable suspension scaffolds.

(a) The scaffolding, including power units or manually operated winches, shall be of a type tested and listed by Underwriters' Laboratories, Factory Mutual Engineering Corporation or the department of labor and industries.

(b) The power units may be either electrically or air motor driven.

(c) All power-operated gears and brakes shall be enclosed.

(d) In addition to the normal operating brake, all power-driven units shall have an emergency brake which engages automatically when the normal speed of descent is exceeded.

(e) The hoisting machines, cables, and equipment shall be regularly serviced and inspected.

(f) The units may be combined to form a two-point suspension scaffold. Such scaffold shall ~~((then))~~ comply with subsection ~~((9))~~ (7) of this section.

(g) ~~((The supporting cable shall be vertical for its entire length, and the basket shall not be swayed nor the cable fixed to any intermediate points to change the original path of travel.))~~ When the supporting wire rope is not plumb for its entire length, supports shall be designed to sustain any additional load or stress upon the line.

(h) Suspension methods and employee safeguards shall conform to ~~((applicable))~~ the provisions of subsections ~~((8))~~ (6) and ~~((9))~~ (7) of this section.

(i) For additional details not covered in this subsection applicable technical portions of American National Standards Institute, A120.1-1970, Power-Operated Devices for Exterior Building Maintenance Powered Platforms, shall be used.

~~((12))~~ (10) Boatswain's chairs.

(a) The chair seat shall not be less than 12 x 24 inches, and 1-inch ~~((thickness))~~ thick. The seat shall be reinforced on the underside by cleats securely fastened to prevent the board from splitting. Specially designed seats having dimensions other than those specified in this subsection may be used provided they have been designed and tested (with a safety factor of four) to sustain a load of two hundred fifty pounds.

(b) The two fiber rope seat slings shall be of 5/8-inch diameter, reeved through the four seat holes so as to cross each other on the underside of the seat.

(c) Seat slings shall be of at least 3/8-inch wire rope when an employee is conducting a heat-producing process, such as gas welding.

(d) The employee shall be protected by a safety belt and lifeline in accordance with WAC 296-155-225. The attachment point of the lifeline to the structure shall be appropriately changed as the work progresses.

(e) The tackle shall consist of correct size ball bearing or bushed blocks and properly spliced 5/8-inch diameter first grade manila rope, or equivalent.

(f) The roof irons, hooks, or the object to which the tackle is anchored, shall be securely installed. Tiebacks, when used, shall be installed at right angles to the face of the building and securely fastened.

~~((13))~~ (g) The scaffolding, including power units shall be of tested design.

(h) All power operated gears and brakes shall be enclosed.

(i) In addition to the normal operating brake, all power-driven units shall have an emergency brake which engages automatically when the normal speed of descent is exceeded.

(11) Carpenters' bracket scaffolds.

(a) The brackets shall consist of a triangular wood frame not less than 2 x 3 inches in cross section, or of metal of equivalent strength. Each member shall be properly fitted and securely joined.

(b) Each bracket shall be attached to the structure by means of one of the following:

(i) A bolt, no less than 5/8-inch in diameter, which shall extend through to the inside of the building wall;

(ii) A metal stud attachment device;

(iii) Welding to steel tanks;

(iv) Hooking over a well-secured and adequately strong supporting member.

(c) The brackets shall be spaced no more than 8 feet apart.

(d) No more than two employees shall occupy any given 8 feet of a bracket scaffold at any one time. Tools and materials shall not exceed 75 pounds in addition to the occupancy.

(e) The platform shall consist of not less than two 2- x 10-inch planks extending not more than 12 inches or less than 6 inches beyond each end support. Fabricated planking may be used if properly engineered and tested.

~~((14))~~ (12) Bricklayers' square scaffolds.

(a) The squares shall not exceed 5 feet in width and 5 feet in height.

(b) Members shall be not less than those specified in Table J-13.

(c) The squares shall be reinforced on both sides of each corner with 1- x 6-inch gusset pieces. They shall also have diagonal braces 1 x 8 inches on both sides running from center to center of each member, or other means to secure equivalent strength and rigidity.

(d) The squares shall be set not more than 5 feet apart for medium duty scaffolds, and not more than 8 feet apart for light duty scaffolds. Bracing, 1 x 8 inches, extending from the bottom of each square to the top of the next square, shall be provided on both front and rear sides of the scaffold.

(e) Platform planks shall be at least 2 x 10-inch. The ends of the planks shall overlap the bearers of the squares and each plank shall be supported by not less than three squares. Fabricated planking may be used if properly engineered and tested.

(f) Bricklayers' square scaffolds shall not exceed three tiers in height and shall be so constructed and arranged that one square shall rest directly above the other. The upper tiers shall stand on a continuous row of planks laid across the next lower tier and be nailed down or otherwise secured to prevent displacement.

(g) Scaffolds shall be level and set upon a firm foundation.

~~((15))~~ (13) Horse scaffolds.

(a) Horse scaffolds shall not be constructed or arranged more than two tiers or 10 feet in height.

(b) The members of the horses shall be not less than those specified in Table J-14.

(c) Horses shall be spaced not more than 5 feet for medium duty and not more than 8 feet for light duty.

(d) When arranged in tiers, each horse shall be placed directly over the horse in the tier below.

(e) On all scaffolds arranged in tiers, the legs shall be nailed down or otherwise secured to the planks to prevent displacement or thrust and each tier shall be substantially cross braced.

(f) Horses or parts which have become weak or defective shall not be used.

~~((16))~~ (14) Needle beam scaffold.

(a) Wood needle beams shall be not less than 4 x 6 inches in size, with the greater dimension placed in a vertical direction. Metal beams or the equivalent, conforming to subsections (1)(h) and (j) of this section, may be used and shall not be altered or moved horizontally while they are in use.

(b) Ropes or hangers shall be provided for supports. The span between supports on the needle beam shall not exceed 10 feet for 4- x 6-inch timbers. Rope supports shall be equivalent in strength to 1-inch diameter first-grade manila rope.

(c) The ropes shall be attached to the needle beams by a scaffold hitch or a properly made eye splice. The loose end of the rope shall be tied by a bowline knot or by a round turn and a half hitch.

(d) The scaffold hitch shall be arranged so as to prevent the needle beam from rolling or becoming otherwise displaced.

(e) The platform span between the needle beams shall not exceed 8 feet when using 2-inch scaffold plank. For spans greater than 8 feet, platforms shall be designed based on design requirements for the special span. The overhang of each end of the platform planks shall be not less than 6 inches and not more than 12 inches.

(f) When needle beam scaffolds are used, the planks shall be secured against slipping.

(g) All unattached tools, bolts, and nuts used on needle beam scaffolds shall be kept in suitable containers, properly secured.

(h) One end of a needle beam scaffold may be supported by a permanent structural member conforming to subsections (1)(h) and (j) of this section.

(i) Each employee working on a needle beam scaffold shall be protected by a safety belt and lifeline in accordance with WAC 296-155-225.

~~((17))~~ (15) Plasterers', decorators', and large area scaffolds.

(a) Plasters', lathers', and ceiling workers' inside scaffolds shall be constructed in accordance with the general requirements set forth for independent wood pole scaffolds. (See subsection (2) of this section and Tables J-5, J-6 and J-7.)

(b) All platform planks shall be laid with the edges close together.

(c) When independent pole scaffold platforms are erected in sections, such sections shall be provided with connecting runways equipped with substantial guardrails.

~~((18))~~ (16) Interior hung scaffolds.

(a) An interior hung scaffold shall be hung or suspended from the roof structure or ceiling beams.

(b) The suspending wire or fiber rope shall be capable of supporting at least 6 times the rated load. The rope shall be wrapped at least twice around the supporting members and twice around the bearers of the scaffold, with each end of the wire rope secured by at least three standard wire-rope clips properly installed.

(c) For hanging wood scaffolds, the following minimum nominal size material shall be used:

(i) Supporting bearers 2 x 10 inches on edge;

(ii) Planking 2 x 10 inches, with maximum span 7 feet for heavy duty and 10 feet for light duty or medium duty.

(d) Steel tube and coupler members may be used for hanging scaffolds with both types of scaffold designed to sustain a uniform distributed working load up to heavy duty scaffold loads with a safety factor of four.

~~((19))~~ (e) All overhead supporting members shall be inspected and have required strength assured before the scaffold is erected.

(17) Ladder jack scaffolds.

(a) All ladder jack scaffolds shall be limited to light duty and shall not exceed a height of 20 feet above the floor or ground.

(b) All ladders used in connection with ladder jack scaffolds shall be type I heavy-duty ladders and shall be designed and constructed in accordance with American National Standards Institute ~~((A14.1-1968))~~ A14.1-1982, Safety Code for Portable Wood Ladders, and ~~((A14.2-1968))~~ A14.2-1982, Safety Code for Portable Metal Ladders. Cleated ladders shall not be used for this purpose.

(c) The ladder jack shall be so designed and constructed that it will bear on the side rails in addition to the ladder rungs, or if bearing on rungs only, the bearing area shall be at least 10 inches on each rung.

(d) Ladders used in conjunction with ladder jacks shall be so placed, fastened, held, or equipped with devices so as to prevent slipping.

(e) The wood platform planks shall be not less than 2 inches in thickness. Both metal and wood platform planks shall overlap the bearing surface not less than 12 inches and shall be secured to prevent movement. The span between supports for wood shall not exceed 8 feet. Platform width shall be not less than 18 inches.

(f) ~~((Not))~~ No more than two ~~((employees))~~ persons shall ~~((occupy))~~ be within any ~~((given))~~ 8 feet section of any ladder jack scaffold at any one time. When the use of standard guardrails as required by subsection (1)(e) of this section is impractical, safety belts and lifelines shall be used in accordance with WAC 296-155-225.

~~((20))~~ (18) Window jack scaffolds.

(a) Window jack scaffolds shall be used only for the purpose of working at the window opening through which the jack is placed.

(b) Window jacks shall not be used to support planks placed between one window jack and another or for other elements of scaffolding.

(c) Window jack scaffolds shall be provided with guardrails unless safety belts with lifelines are attached and used by the employee.

(d) Not more than one employee shall occupy a window jack scaffold at any one time.

~~((21))~~ (e) Window jacks shall be designed and constructed so as to provide a secure anchorage on the window opening and be capable of supporting the design load.

(19) Roofing brackets.

~~((a))~~ Roofing brackets shall be constructed to fit the pitch of the roof.

~~(b))~~ Brackets shall be secured in place by nailing in addition to the pointed metal projections. When it is impractical to nail brackets, rope supports shall be used. When rope supports are used, they shall consist of first-grade manila of at least 3/4-inch diameter, or equivalent.

~~(c))~~ A catch platform shall be installed below the working area of roofs more than 16 feet from the ground to eaves with a slope greater than 4 inches in 12 inches without a parapet. In width, the platform shall extend 2 feet beyond the protection of the eaves and shall be provided with a guardrail, midrail, and toeboard. This provision shall not apply where employees engaged in work upon such roofs are protected by a safety belt attached to a lifeline.

~~((22))~~ All roofing brackets must be installed and used in accordance with the requirements of WAC 296-155-50503(1).

(20) Crawling boards or chicken ladders.

~~((a))~~ Crawling boards shall be not less than 10 inches wide and 1 inch thick, having cleats 1 x 1 1/2 inches. The cleats shall be equal in length to the width of the board and spaced at equal intervals not to exceed 24 inches. Nails shall be driven through and clinched on the underside. The crawling board shall extend from the ridge pole to the eaves when used in connection with roof construction, repair, or maintenance.

~~(b))~~ A firmly fastened lifeline of at least 3/4-inch diameter rope, or equivalent, shall be strung beside each crawling board for a handhold.

~~(c))~~ Crawling boards shall be secured to the roof by means of adequate ridge hooks or other effective means.

~~((23))~~ All crawling boards or chicken ladders shall be installed and used in accordance with the requirements of WAC 296-155-50503(2).

(21) Float or ship scaffolds.

(a) Float or ship scaffolds shall not be used to support more than three persons and a few light tools, such as those needed for riveting, bolting, and welding. They shall be constructed as designed in subdivisions (b) through (f) of this subsection, unless substitute designs and materials provide equivalent strength, stability, and safety.

(b) The platform shall be not less than 3 feet wide and 6 feet long, made of 3/4-inch plywood, equivalent to American Plywood Association Grade B-B, Group I, Exterior, or other similar material.

(c) Under the platform, there shall be two supporting bearers made from 2- x 4-inch, or 1- x 10-inch rough, "selected lumber," or better. They shall be free of knots or other flaws and project 6 inches beyond the platform on both sides. The ends of the platform shall extend 6

inches beyond the outer edges of the bearers. Each bearer shall be securely fastened to the platform.

(d) An edging of wood not less than 3/4 x 1 1/2 inches or equivalent shall be placed around all sides of the platform to prevent tools from rolling off.

(e) Supporting ropes shall be 1-inch diameter manila rope or equivalent, free from deterioration, chemical damage, flaws, or other imperfections. Rope connections shall be such that the platform cannot shift or slip. If two ropes are used with each float, they shall be arranged so as to provide four ends which are to be securely fastened to an overhead support. Each of the two supporting ropes shall be hitched around one end of bearer and pass under the platforms to the other end of the bearer where it is hitched again, leaving sufficient rope at each end for the supporting ties.

(f) Each employee shall be protected by an approved safety lifebelt and lifeline, in accordance with WAC 296-155-225.

~~((24))~~ (22) Form scaffolds.

(a) Form scaffolds shall be constructed of wood or other suitable materials, such as steel or aluminum members of known strength characteristics. All scaffolds shall be designed and erected with a minimum safety factor of 4, computed on the basis of the maximum rated load.

(b) All scaffold planking shall be a minimum of 2- x 10-inch nominal Scaffold Grade, as recognized by approved grading rules for the species of lumber used, or equivalent material. Maximum permissible spans shall not exceed 8 feet on centers for 2- x 10-inch nominal planking. Scaffold planks shall be either nailed or bolted to the ledgers or of such length that they overlap the ledgers at least 6 inches. Unsupported projecting ends of scaffolding planks shall be limited to a maximum overhang of 12 inches.

(c) Scaffolds shall not be loaded in excess of the working load for which they were designed.

(d) Figure-four form scaffolds:

(i) Figure-four scaffolds are intended for light duty and shall not be used to support loads exceeding 25 pounds per square foot unless specifically designed for heavier loading. For minimum design criteria, see Table J-15.

(ii) Figure-four form scaffold frames shall be spaced not more than 8 feet on centers and constructed from sound lumber, as follows: The outrigger ledger shall consist of two pieces of 1- x 6-inch or heavier material nailed on opposite sides of the vertical form support. Ledgers shall project not more than 3 feet 6 inches from the outside of the form support and shall be substantially braced and secured to prevent tipping or turning. The knee or angle brace shall intersect the ledger at least 3 feet from the form at an angle of approximately 45°, and the lower end shall be nailed to a vertical support. The platform shall consist of two or more 2- x 10-inch planks, which shall be of such length that they extend at least 6 inches beyond ledgers at each end unless secured to the ledgers. When planks are secured to the ledgers (nailed or bolted), a wood filler strip shall be used between the ledgers. Unsupported projecting ends of planks shall be limited to an overhang of 12 inches.

(e) Metal bracket form scaffolds:

(i) Metal brackets or scaffold jacks which are an integral part of the form shall be securely bolted or welded to the form. Folding type brackets shall be either bolted or secured with a locking-type pin when extended for use.

(ii) "Clip-on" or "hook-over" brackets may be used, provided the form walers are bolted to the form or secured by snap ties or shea-bolt extending through the form and securely anchored.

(iii) Metal brackets shall be spaced not more than 8 feet on centers.

(iv) Scaffold planks shall be either bolted to the metal brackets or of such length that they overlap the brackets at each end by at least 6 inches. Unsupported projecting ends of scaffold planks shall be limited to a maximum overhang of 12 inches.

(v) Metal bracket form scaffolds shall be equipped with wood guardrails, intermediate rails, toeboards, and scaffold planks meeting the minimum dimensions shown in Table J-16. (Metal may be substituted for wood, providing it affords equivalent or greater design strength.)

(f) Wooden bracket form scaffolds:

(i) Wooden bracket form scaffolds shall be an integral part of the form panel. The minimum design criteria set forth herein and in Table J-17 cover scaffolding intended for light duty and shall not be used to support loads exceeding 25 pounds per square foot, unless specifically designed for heavier loading.

(ii) Scaffold planks shall be either nailed or bolted to the ledgers or of such length that they overlap the ledgers at each end by at least 6 inches. Unsupported projecting ends of scaffold planks shall be limited to a maximum overhang of 12 inches.

~~((25))~~ (23) Pump jack scaffolds.

(a) Pump jack scaffolds shall:

(i) Not carry a working load exceeding 500 pounds; ~~(and)~~

(ii) Be capable of supporting without failure at least four times the maximum intended load(-); and

(iii) ~~((The manufactured components))~~ Shall not ~~((be))~~ have components loaded in excess of the manufacturer's recommended limits.

(b) Pump jack brackets, braces, and accessories shall be fabricated from metal plates and angles. Each pump jack bracket shall have two positive gripping mechanisms to prevent any failure or slippage.

(c) The platform bracket shall be fully docked and the planking secured. Planking, or equivalent, shall conform with subsection (1) of this section.

(d) (i) When wood scaffold planks are used as platforms, poles used for pump jacks shall not be spaced more than 10 feet center to center. When fabricated platforms are used that fully comply with all other provisions of this subsection, pole spacing may exceed 10 feet center to center.

(ii) Poles shall not exceed 30 feet in height.

(iii) Poles shall be secured to the work wall by rigid triangular bracing, or equivalent, at the bottom, top, and other points as necessary, to provide a maximum vertical spacing of not more than 10 feet between braces. Each

brace shall be capable of supporting a minimum of 225 pounds tension or compression.

(iv) For the pump jack bracket to pass bracing already installed, an extra brace shall be used approximately 4 feet above the one to be passed until the original brace is reinstalled.

(e) All poles shall bear on mud sills or other adequate firm foundations.

(f) Pole lumber shall be two 2 x 4's, of Douglas fir or equivalent, straight-grained, clear, free of cross-grain, shakes, large loose or dead knots, and other defects which might impair strength.

(g) When poles are constructed of two continuous lengths, they shall be two by fours, spiked together with the seam parallel to the bracket, and with 10d common nails, no more than 12 inches center to center, staggered uniformly from opposite outside edges.

(h) If two by fours are spliced to make up the pole, the splices shall be so constructed as to develop the full strength of the member. Three-eighths inch or one-half inch exterior grade plywood shall be used for a spacer between the two by fours. The joints for the splices shall be staggered on opposite sides of the pole at least four feet apart. Joints shall be no less than four feet from either end of the pole.

(i) A ladder, in accordance with WAC 296-155-480, shall be provided for access to the platform during use.

(j) Not more than two persons shall be permitted at one time upon a pump jack scaffold between any two supports.

(k) Pump jack scaffolds shall be provided with standard guardrails, unless safety belts with lifelines are used by employees.

(l) When a work bench is used at an approximate height of 42 inches, the top guardrail may be eliminated, if the work bench is fully decked, the planking secured, and is capable of withstanding 200 pounds pressure in any direction.

(m) Employees shall not be permitted to use a work bench as a scaffold platform.

~~((26))~~ (24) Factory-built scaffold units. Factory-built or prefabricated scaffold units intended for assembly on the job, prefabricated plank, staging, etc., mechanical hoisting units, or other devices for use on or in connection with any type scaffolds, shall be approved by an agency or laboratory approved by the department before being used.

~~((27))~~ (25) Waler bracket scaffolds.

(a) Waler brackets shall be constructed of 1 5/8" x 1 1/2" x 3/16" angle iron minimum size, or material of equivalent strength.

(b) All steel connections shall be welded and riveted or bolted, except where detrimental to strength of materials.

(c) The maximum length of horizontal leg shall not be more than 36" between bracket hook and railing standard.

(d) A 4" x 4" x 3/16" gusset plate shall be securely welded at inside of leg angle.

(e) Nailing holes shall be provided in lower end of vertical leg for purpose of securing bracket against lifting or shifting.

(f) Waler hook or hooks shall be a minimum of 4-inch depth and be constructed of material of a strength to support a minimum of 400 pounds at extreme outer end of bracket.

~~((28))~~ Ladder supported scaffolds.

(a) Box scaffolds:

~~(i) A step ladder scaffold, trestle scaffold, or an extension trestle scaffold shall be composed of two or more step ladders, or trestle ladders, or trestle, or extension trestle placed in line and supporting the platform in the interval or intervals, or in paralleled lines supporting stringers in the interval or intervals, upon which are supported kick plank platforms, not exceeding one platform to each bay. Such scaffolds are also known as "box scaffolds."~~

~~(ii) The number of persons working on each bay shall not exceed three at any one time.~~

(b) Step ladder scaffolds:

~~(i) Platforms more than 8 feet above the floor level shall not be supported on step ladders.~~

~~(ii) Platforms shall not be supported on the top step of a step ladder unless it is provided with stops at least one inch high at each side to prevent the plank from slipping off.~~

(c) Trestle ladder scaffolds:

~~(i) Platforms more than 16 feet above the floor level shall not be supported on trestle ladders.~~

~~(ii) The top of the trestle ladder shall be at least three steps above the level of the scaffold platform.~~

~~(iii) Where an extension trestle ladder is used to support a scaffold platform the maximum height of the platform shall be 20 feet above the floor level and the point of support on the extension section shall not be more than 6 feet above the apex of the base section.~~

(d) Extension trestle scaffolds:

~~(i) Platforms supported on extension trestles shall not be more than 16 feet above the floor level.~~

~~(ii) Ladders shall be provided for access to extension trestle scaffolds. Workers shall not climb up or down on the extension trestle.~~

~~(iii) It shall be the individual responsibility of the supervisor and of each worker to make sure that all clamps and fastenings on the extension trestle are secure before employees are allowed to work on the scaffold.~~

~~((29))~~ (26) Chimney, stack and tank bracket scaffolds.

(a) General. A chimney, stack or tank bracket scaffold shall be composed of a platform supported by brackets which are hooked over a steel cable which surrounds the circumference of the chimney, stack or tank approximately in a horizontal plane. The platform shall be not less than two ~~((planks))~~ 2 x 10 inch planks. For a minimum width of eighteen inches wide and be designed with a safety factor of not less than 4.

(b) All brackets shall have a mild steel suspension hook 2 inches by 1/4-inch with at least 3 inches projecting beyond the throat of the hook. Hooks shall be integral with or securely attached to the bracket.

(c) Wood spacer blocks shall be provided to hold the suspending cable away from the structure at the points where brackets are hooked on. These spacer blocks shall be not less than 2 inches by 4 inches by 12 inches.

(d) All suspending cables shall be improved plow steel 6 x 19 wire rope or equivalent. In no case shall less than 1/2-inch diameter wire rope be used.

(e) The turnbuckle used to tighten suspending cables shall be not less than 1 inch drop forged steel. The cables shall be provided with thimbles and not less than 3 U-bolt type clips at each end and be attached to the turnbuckles by means of shackles. Open hooks shall not be used.

(f) All chimney, stack and tank bracket scaffolds shall be provided with standard guard rails, intermediate rails and toeboards.

(g) For access to a chimney, stack or tank bracket scaffold, ladders or a boatswain's chair shall be used.

(h) All chimney, stack or tank brackets for scaffolds shall be welded and riveted or bolted.

~~((30))~~ (27) Scaffold platforms supported by catenary or stretch cables.

(a) When a scaffold platform is supported by cables at least 4 cables shall be used, two near each end of the scaffold.

(b) The cables shall be attached to the scaffold by means of U-bolts or the equivalent through which the cables pass.

(c) Cables shall not be tightened beyond their safe working load. A hanger or set of falls shall be used approximately every 50 feet to pick up the sag in the cable.

NEW SECTION

✓ WAC 296-155-48523 MANUALLY PROPELLED MOBILE LADDER STANDS AND SCAFFOLDS (TOWERS). (1) All applicable rules for design, construction, maintenance, operation, testing, and use of manually propelled mobile ladder stands and scaffolds (towers) shall be in accordance with ANSI A92.1-1977.

(2) General and design requirements: Stands and scaffolds of this section shall meet the requirements specified:

(a) The design working load of ladder stands shall be calculated on the basis of one or more two hundred fifty-pound persons together with fifty pounds of equipment each.

(b) The design working load of all scaffolds shall be calculated on the basis of:

- (i) LIGHT - Designed and constructed to carry a working load of 25 lb/ft²
- (ii) MEDIUM - Designed and constructed to carry a working load of 50 lb/ft²
- (iii) HEAVY - Designed and constructed to carry a working load of 75 lb/ft²

(c) All ladder stands and scaffolds shall be capable of supporting at least four times the design working load.

(d) The materials used in mobile ladder stands and scaffolds shall be of standard manufacture and conform to standard specifications of strength, dimensions, and weights, and shall be selected to safely support the design working load.

(e) Nails, bolts, weldments, or other mechanical fasteners used in the construction of ladders, scaffolds,

and towers shall be of adequate size and in sufficient numbers at each connection to develop the designed strength of the unit. Nails shall be driven full length and all exposed surfaces shall be free from sharp edges, burrs, or other safety hazards.

(f) The maximum work level height shall not exceed four times the minimum or least base dimension of any mobile ladder stand or scaffold. Where the basic mobile unit does not meet this requirement, outrigger frames shall be employed to achieve this least base dimension, or provisions shall be made to guy or brace the unit against tipping.

(g) The minimum platform width for any work level shall not be less than eighteen inches for mobile scaffolds (towers).

(h) Ladder stands shall have a minimum step width of sixteen inches.

(i) The supporting structure for the work level shall be rigidly braced, using cross bracing, diagonal bracing, knee braces, or the equivalent, with rigid platforms or steps at each work level.

(j) The steps and platform of ladder stands and scaffolds shall be fabricated from slip-resistant materials.

(k) The work level platform of scaffolds (towers) shall be made of wood, aluminum, or plywood planking, steel, or expanded metal, for the full width of the scaffold, except for necessary openings.

(i) Work platforms shall be secured in place.

(ii) The clearances between adjacent platform boards or scaffold members, or both, shall not exceed one inch.

(iii) All planking shall be two inch (nominal) scaffold grade minimum 1500 lbf/in³ (stress grade) construction grade lumber, or the equivalent.

(l) All scaffold and ladder stand platform work levels ten feet or higher above the ground or floor shall have a standard (1 x 4 lumber nominal or the equivalent) toeboard.

(m) All scaffold and ladder stand platform work levels with platform height of four feet or greater shall be provided with guardrails and midrails on exposed sides and end wherever the horizontal dimension of the platform in either direction is less than forty-five inches.

(n) All scaffold and ladder stand platform work levels ten feet or higher above the ground or floor shall be provided with standard guardrails.

(o) A climbing ladder or stairway shall be provided for proper access and egress, and shall be affixed or built into the scaffold and so located that its use will not have a tendency to tip the scaffold.

(p) Where the horizontal members of the scaffold frame are spaced not more than sixteen inches apart, and a standard guardrail has been provided on the scaffold platform to serve as handholds during access to the platform, persons may use the scaffold frames for access and exit, provided that scaffold platform does not project beyond the bearer.

(q) Wheels or casters, when under load, shall be properly designed for strength and dimensions to support four times the design working load.

(i) All scaffold casters shall be provided with a positive wheel or swivel lock, or both, to prevent movement.

(ii) Ladder stands shall have at least two locking casters or other means of locking the unit in position.

(iii) Swivel casters, if used, shall be provided with a positive lock.

(iv) Where leveling of the elevated work platform is required, screw jacks or other suitable means for adjusting the height shall be provided in the base section of each mobile unit.

(3) Mobile tubular fabricated frame scaffolds: Mobile tubular fabricated frame scaffolds shall be designed to comply with the requirements of subsections (1) through (2)(q) of this section.

(a) Scaffolds shall be braced by cross braces or diagonal braces, or both, for securing vertical members together laterally.

(b) The cross braces shall be of a length that will automatically square and align vertical members so that the erected scaffold is always plumb, square, and rigid.

(c) Spacing of panels of frames shall be consistent with the loads imposed.

(d) The frames shall be placed one on top of the other with coupling or stacking pins to provide vertical alignment of the legs.

(e) Where uplift may occur, panels shall be locked together vertically by pins or other equivalent means.

(f) Only the manufacturer of the scaffold or the manufacturer's qualified designated agent shall be permitted to erect or supervise the erection of scaffolds exceeding fifty feet in height above the base, unless:

(i) Such structure is approved in writing by a licensed professional engineer;

(ii) Erected in accordance with instructions furnished by the manufacturer.

(4) Mobile tubular fabricated sectional folding scaffolds: Mobile tubular fabricated sectional folding scaffolds, including sectional stairway and sectional ladder scaffolds, shall be designed to comply with the requirements of subsections (1) through (2)(q) of this section.

(a) An integral stairway and work platform shall be incorporated into the structure of each sectional folding stairway scaffold.

(b) An integral set of pivoting and hinged folding diagonal and horizontal braces and a detachable work platform shall be incorporated into the structure of each sectional folding ladder scaffold.

(c) The end frames of sectional ladder and stairway scaffolds shall be designed so that the horizontal bearers provide supports for multiple planking levels.

(d) Only the manufacturer of the scaffold or his qualified designated agent shall be permitted to erect or supervise the erection of scaffolds exceeding fifty feet in height above the base, unless:

(i) Such structure is approved in writing by a licensed professional engineer;

(ii) Erected in accordance with instructions furnished by the manufacturer.

(5) Mobile tube and coupler scaffolds: Mobile tube and coupler scaffolds shall be designed to comply with

the requirements of subsections (1) through (2)(q) of this section.

(a) The material used for the couplers shall be of a structural type, such as a drop-forged steel, malleable iron, or structural grade aluminum.

(b) The use of gray cast iron is prohibited.

(c) Only the manufacturer of the scaffold or his qualified designated agent shall be permitted to erect or supervise the erection of scaffolds exceeding fifty feet in height above the base, unless:

(i) Such structure is approved in writing by a qualified engineer.

(ii) Erected in accordance with instructions furnished by the manufacturer.

(6) Mobile work platforms: Mobile work platforms shall be designed for the use intended and shall comply with the requirements of subsections (1) through (2)(q) of this section.

(a) The minimum width of the base of mobile work platforms shall not be less than eighteen inches.

(b) Adequate rigid bracing to vertical members shall be provided.

(7) Mobile ladder stands: Mobile ladder stands shall comply with applicable requirements of subsections (1) through (2)(q) of this section.

(a) The minimum base width shall conform to subsection (2)(f) of this section.

(b) The minimum length of the base section shall be the total length of combined steps and top assembly, measured horizontally, plus five-eighths inch per step of rise.

(c) Steps shall be uniformly spaced and sloped, with a rise of not less than nine inches or more than ten inches and a depth of not less than seven inches.

(d) The slope of the steps shall be a maximum of sixty degrees measured from the horizontal.

(e) Units having more than four steps shall be equipped with handrails.

(i) Handrails shall be a minimum of thirty inches plus or minus one inch in height.

(ii) Measurements shall be taken vertically from the center of the step.

(f) The load shall be applied uniformly to a three and one-half inch wide area front to back at the center of the width span with a safety factor of four.

(8) Scaffold and ladder stands: Scaffolds and ladder stands shall be furnished, where ladders or other equipment are not deemed appropriate, and erected in accordance with this standard for persons engaged in work that cannot be done safely from the ground or from solid construction, and where it is desired to facilitate relocation of the unoccupied units without disassembly.

(a) Persons shall be prohibited from riding on units while they are being moved, and materials, tools, or equipment shall not be stored on the units while they are being moved except under strict compliance with the provisions following, and only with extreme care and caution exercised by the user.

(b) Guardrails, midrails, and toeboards shall be installed as required by subsection (2)(l), (m) and (n) of this section.

(c) The floor or surface shall be within three degrees of level, smooth (the equivalent of broom-finished concrete), and free from pits, holes, or obstructions.

(d) The minimum dimension of the scaffold base when ready for rolling shall be at least one-half of the height.

(e) Outriggers, if used, shall be installed on all four sides of the scaffold and then can be included as a part of the base dimension.

(f) All tools or materials, or both, shall be secured or removed from the platform before the mobile scaffold is moved.

(g) Employees on the mobile scaffold shall be advised and be aware of each movement in advance.

(h) Employees on the work platform of the mobile scaffold may move the scaffold when the mobile scaffold is equipped with a manual system in which the propelling force is applied to the wheels only and cannot exceed normal walking speed.

(i) The force necessary to move the mobile scaffold shall be applied as close to the base as practicable, and provision shall be made to stabilize the tower during movement from one location to another.

(j) The vertical posts of frames shall be accurately spaced and rest upon suitable footing capable of carrying the maximum design load without settling or displacement. They shall be plumb, and securely and rigidly braced to prevent swaying and displacement.

(k) Where leveling of the mobile scaffold platform is required, screw jacks or other means for adjusting the height shall be provided in each leg section of each mobile unit.

(i) At least six inches of the screw jack shall be in the scaffold leg.

(ii) The screw jack shall not be extended more than twelve inches.

(l) Units shall be erected, used, and disassembled in accordance with instructions furnished by the manufacturer.

(m) Scaffolds shall be erected and used only by personnel who have been trained in their erection.

(n) Units shall be inspected before and after use.

(o) Units shall not be loaded in excess of the design working load.

(p) Units shall be repaired immediately when damaged or weakened from any cause.

(q) They shall not be used until repairs are completed.

(r) Units shall not be altered while they are in use or occupied.

(s) They shall be securely locked to prevent movement while occupied.

(t) Overhead protection shall be provided for the work platform, consisting of two-inch (nominal) planking, or the equivalent, not more than nine feet above the platform when an overhead hazard exists to the user on the platform.

(u) Ladders or unstable objects shall not be placed on top of rolling scaffolds to gain greater height.

(v) Persons shall not work on scaffolds during high winds, storms, or when the scaffolds are covered with ice or snow until all the ice and snow has been removed and the platform is sanded.

(w) Persons climbing or descending scaffold ladders shall have both hands free for climbing and shall remove foreign substances, such as, but not limited to, mud or grease from their shoes.

(x) Where moving vehicles are present, the scaffold area shall be marked with warnings, such as, but not limited to, flags, roped off areas, and barricades.

(y) Unstable objects such as barrels, boxes, loose brick, tools, and debris shall not be allowed to accumulate on the work level.

(z) In operations involving production of small debris, chips, etc., and the use of small tools and materials, and where persons are required to work or pass under the equipment, screens shall be required and properly secured between toeboards and guardrails. The screen shall extend along the entire opening, and shall consist of No. 19 gage U.S. Standard Wire one-half inch mesh, or the equivalent.

(9) Required markings and data plates. Each unit shall be marked with the manufacturer's or vendor's name or identification symbol and rated working load, and shall indicate conformance to ANSI A92.1-1977 or a revision thereof.

(a) These markings shall be either stamped into a metal component of the unit, or provided on a metal name plate, or equivalent durable label, permanently secured to the unit.

(b) Precautionary labels or signs shall be permitted to warn of common hazards anticipated with the use of specific products, such as electrical hazards and contact with corrosive substances.

(c) Additional items for labeling consideration are inspection, proper selection, setup, climbing instructions, storage and care, and other instructions as deemed necessary.

(d) The precautionary labels or signs shall conform to the requirements of ANSI Specifications for Accident Prevention Signs, ANSI Z35.1-1972, and ANSI Specifications for Informational Signs Complementary to Accident Prevention Signs, ANSI Z35.4-1973.

NEW SECTION

✓ WAC 296-155-48525 MANUALLY PROPELLED ELEVATING WORK PLATFORMS.

(1) All applicable rules for design, construction, maintenance, operation, testing and use of manually propelled elevating work platforms shall be in accordance with ANSI A92.3-1980.

(2) General requirements.

(a) Any manually propelled elevating work platform, when raised to its maximum working height, on level ground, shall be capable of sustaining, without reaching instability, a minimum horizontal test force of fifty pounds or fifteen percent of the rated capacity, whichever is greater, applied to any point on the perimeter of the platform while the platform is carrying the rated work load.

(b) Any manually propelled elevating work platform, unless designed for such use by the manufacturer, shall not be used on an inclined surface.

(c) Any work platform designed by the manufacturer to be operated on an inclined surface shall also be

capable of passing the stability tests outlined in (a) of this subsection while on such a surface. Procedures for maintaining stability shall be clearly outlined in the special warnings section of the operating instructions and users shall follow these instructions.

(d) If outriggers or stabilizers must be employed to meet the tests for stability outlined in (a) of this subsection, the operating instructions shall require their use and such outriggers or stabilizers shall be provided and used.

(e) The platform width shall not be less than eighteen inches and shall be provided with a surface to minimize slipping.

(f) The platform shall be provided with a guardrail or other structure around its upper periphery and the guardrail shall be approximately forty-two inches high, plus or minus three inches, with a midrail approximately midway between the top rail and the platform surface.

(i) The guardrail system shall be designed and constructed to withstand a load of twenty-five pounds per linear foot applied in a horizontal direction to the top rail or midrail.

(ii) The top rail or midrail shall withstand a concentrated load of three hundred pounds applied vertically to the top of either rail midway between the supporting posts.

(iii) Guardrail terminal posts shall withstand two hundred pounds applied in any direction at the top of the post.

(g) The platform shall be provided with four-inch (nominal dimension) toeboards on all sides.

(h) Toeboards may be omitted at the access openings.

(i) The configuration of the work platform shall include access for personnel to use in reaching the platform deck when it is in the lowered position.

(i) Any access system used in this way shall have rungs or steps located on uniform centers not to exceed sixteen inches.

(ii) Steps or rungs shall be provided with a face that minimizes slipping.

(3) Safety factor specifications.

(a) Where the platform is supporting its rated work load by a system of wire ropes or chains, or both, the safety factor of the wire rope or chain shall not be less than eight to one, based on ultimate strength.

(b) All critical components of a hydraulic or pneumatic system used in a work platform shall have a bursting strength that exceeds the pressure attained when the system is subjected to the equivalent of four times the rated work load. (Critical components are those in which failure would result in a free descent.)

(c) All noncritical hydraulic components shall have a bursting strength safety factor of at least two to one.

(4) Fail safe requirements.

(a) Where the elevation of the platform is accomplished by an electromechanical assembly, the system shall be designed to prevent free descent in the event of a generator or power failure.

(b) Where the elevation of the platform is accomplished by a hydraulic or pneumatic cylinder assembly, the system shall be so equipped as to prevent

free descent in the event of failure of a hydraulic or pneumatic line.

(c) Where the platform is horizontally extendable beyond the base of the machine, the system shall be so equipped as to prevent descent in the event of failure of a hydraulic or pneumatic line, wire rope, or chain.

(d) Where the elevation of the platform is accomplished by a single hoist cable, the system shall be protected by a broken-cable safety device which will prevent free descent of the platform.

(e) Where the elevation of the platform is accomplished by a manual-mechanical or manual-hydraulic assembly, the considerations established above shall apply.

(f) The control system shall be designed so that a single malfunction in the control system will not result in unintended machine motion.

(g) Hydraulically or pneumatically actuated outriggers or stabilizers, or both, shall be so constructed as to prevent their retraction in the event of failure of a hydraulic or pneumatic line.

(5) Emergency lowering means. Any work platform equipped with a powered elevating assembly shall be supplied with clearly marked emergency lowering means readily accessible from ground or floor level.

(6) Guarding. Mechanical power transmission apparatus shall be guarded in accordance with WAC 296-24-205, General safety and health standards.

(7) Directional controls.

(a) All directional controls shall be marked for the direction they control and shall be of the type which automatically returns to the "off" or the neutral position when released.

(b) Controls shall be protected against inadvertent operation.

(8) Motor requirements.

(a) Fuel lines of internal-combustion-engine-powered work platforms shall be supported to minimize chafing and positioned to minimize exposure to engine exhaust heat. Liquid fuel lines shall be hard lines except where isolation from vibration requires a flexible connection.

(b) LP-gas engine fuel systems shall comply with the American National Standard for Storage and Handling of Liquefied Petroleum Gases, ANSI/NFPA 58-1983.

(c) The exhaust system shall be provided with a muffler that is positioned to minimize exposure to noise and exhaust gas of the operators and personnel located in proximity to the unit.

(9) Prevention of lateral movement. Each work platform shall be provided with locking screws, floor locks, wheel-locking mechanisms, or other means of preventing unintended lateral motions while in use.

(10) Specifications display. The following information shall be displayed on all work platforms in as permanent and as visible a manner as practical:

(a) Warnings, cautions, or restrictions for safe operation in accordance with American National Standard Specifications for Accident Prevention Signs, ANSI Z35.1-1972 and ANSI Z35.4-1973.

(b) Make, model, serial number, and manufacturer's name and address.

(c) Rated work load.

- (d) Maximum platform height.
- (e) Nominal voltage rating of batteries or rated voltage of AC line.
- (f) Statement of the need for the operator's familiarity with the work platform before it is used.
- (11) Alternative configuration statement. When a work platform is designed with alternative configurations:
 - (a) The manufacturer shall clearly describe these alternatives, including the rated capacity in each situation.
 - (b) If the rated work load of a platform is the same in any designed configuration, these additional descriptions are not necessary.
- (12) Insulation marking. A statement of whether or not the work platform is electrically insulated. If insulated, the level of protection and the applicable test standard shall be stated in accordance with ANSI A92.2-1979.
- (13) Maintenance and operating manuals requirement. An operating and maintenance manual(s) shall be provided with each work platform and shall contain:
 - (a) Descriptions, specifications, and ratings of the work platform, including the data specified in subsection (10) of this section.
 - (b) The maximum hydraulic and pneumatic systems pressure and the maximum voltage of the electrical systems which are part of the work platform.
 - (c) Instructions regarding operation and maintenance.
 - (d) Replacement part(s) information.
- (14) Rated load display. The rated work load shall be clearly displayed at each entrance to the work platform.
- (15) Management responsibilities.
 - (a) Employers responsibilities shall be in accordance with ANSI A92.3-1980.
 - (b) Only trained and authorized personnel shall be permitted to operate the work platform.
 - (c) Work platforms that are not in safe operating condition shall be removed from service until repaired.
 - (d) Repairs shall be made by a qualified person in conformance with the manufacturer's operating and maintenance manuals.
 - (e) Operators shall be trained in care and use before operation, care and use during operation, horizontal relocation, and additional requirements as specified in ANSI A92.3-1980.
 - (f) Modifications or alterations of work platforms shall be made only with written permission of the manufacturer or any other equivalent entity.

NEW SECTION

✓ WAC 296-155-48527 SELF PROPELLED ELEVATING WORK PLATFORMS. (1) All applicable rules for design, construction, maintenance, operation, testing and use of self propelled elevating work platforms shall be in accordance with ANSI A92.6-1979.

- (2) Minimum rated work load.
 - (a) The minimum rated work load of work platforms shall not be less than two hundred fifty pounds.

(b) All structural load-supporting elements of the work platform shall have a structural safety factor of not less than two based on the minimum yield strength of the material.

(c) All structural load-supporting elements of the work platform that are made of nonductile material (such as cast iron and fiberglass) shall have a structural safety factor of not less than five based on the minimum ultimate strength of the material.

(d) Design and stability tests shall be in accordance with ANSI A92.6-1979.

(e) Each production unit on level ground shall sustain a load test which shall include the movement of the platform (with a platform load at least one hundred fifty percent of the rated capacity imposed) through its entire range of motion.

(3) Driving interlock.

(a) The unit shall use interlock means that will prevent driving the unit unless the platform height, platform configuration, or any combination of the foregoing, are adjusted to meet the stability test requirements.

(b) A work platform limited in driveable height by the interlock means may be elevated and used while stationary up to the maximum platform heights at which it will maintain stability during the following static test. At the maximum platform height, on level ground, with the platform carrying the rated work load, apply a horizontal test force of one hundred fifty pounds or fifteen percent of the rated platform load (whichever is greater) at the point on the perimeter of the platform most likely to cause overturning.

(4) Platform outrigger interlocks. Where outriggers, stabilizers, or extendable axles are required to meet the side load test, interlocks shall prevent the platform from being raised above the height at which these devices are required unless the required devices are extended. Interlocks shall also prevent the retraction of these devices while the platform is above that level.

(5) Platform requirement.

(a) A guardrail or other structure shall be provided around its upper periphery, which shall be approximately forty-two inches plus or minus three inches in height, a midrail, and toeboards which shall be not less than four inches high (nominal dimension). Guardrail and midrail chains, or the equivalent, may be substituted across an access opening. Toeboards may be omitted at the access opening.

(b) The work platform shall have a minimum width of eighteen inches and proper access for personnel to use in reaching the platform deck when it is in the lowered position shall be provided.

(c) The surface for both the platform and access shall be provided that will minimize slipping.

(6) System safety factors.

(a) Where the platform is supporting its rated work load by a system of wire ropes or chains, or both, the safety factor of the wire rope or chains shall not be less than eight to one, based on ultimate strength.

(b) All critical hydraulic components, all pneumatic components, and all hoses of hydraulic or pneumatic systems shall have a minimum bursting strength of at

least four times the operating pressure for which the system is designed.

(c) Noncritical hydraulic components shall have a minimum bursting strength of at least two times the operating pressure for which the system is designed.

(7) Safety design requirements.

(a) Where the elevation of the platform is accomplished by an electromechanical assembly, the system shall be designed to prevent free descent in the event of a generator or power failure.

(b) Where the elevation of the platform is accomplished by a hydraulic or pneumatic cylinder assembly, the system shall be so equipped as to prevent free descent in the event of a hydraulic or pneumatic line failure.

(c) Where the platform is horizontally extendable beyond the base of the machine, the system shall be so equipped as to prevent descent in the event of a hydraulic or pneumatic line failure.

(d) Where the elevation of the platform is accomplished by a single hoist cable, the system shall be protected by a broken-cable safety device that will prevent free descent of the platform.

(e) In addition to the primary operator controls, the work platform shall be equipped with an emergency stop device located at the primary control station that will deactivate all powered functions.

(f) Hydraulically or pneumatically actuated outriggers or stabilizers, or both, shall be designed to prevent their retraction in the event of a hydraulic or pneumatic line failure.

(g) Any work platform equipped with a powered elevating assembly shall be supplied with clearly marked emergency lowering means readily accessible from ground level.

(h) Mechanical power transmission apparatus shall be guarded in accordance with WAC 296-24-205, General safety and health standards.

(8) Directional controls.

(a) All directional controls shall move in the direction of the function they control and be of the type that automatically return to the off or the neutral position when released.

(b) Such controls shall be protected against inadvertent operation and shall be clearly marked.

(9) Engine requirement.

(a) Fuel lines of internal-combustion-engine-powered work platforms shall be supported to keep chafing to a minimum and located to keep exposure to engine and exhaust heat to a minimum.

(b) Liquid fuel lines shall be hard except where flexible connections are required for isolation from vibration.

(c) LP gas fuel systems shall use flexible LP gas hose or hard lines.

(d) Exhaust lines shall be equipped with mufflers and shall be located to minimize the exposure to noise and fumes of operators and personnel located in the proximity of such units.

(10) Each work platform shall be equipped with a mechanical parking brake, which will hold the unit on any slope it is capable of climbing.

(11) Specifications display. The following information shall be displayed on all work platforms in a clearly visible, accessible area and in as permanent a manner as possible:

(a) Warnings, cautions, or restrictions for safe operation in accordance with ANSI Z35.1-1972 and ANSI Z35.4-1973.

(b) Make, model, serial number, and manufacturer's name and address.

(c) Rated work load.

(d) Maximum platform height.

(e) Nominal voltage of the batteries if battery powered.

(f) A notice to study the operating/maintenance manual before using the equipment.

(g) Alternative configuration statement. If a work platform is susceptible to several alternative configurations, then the manufacturer shall clearly describe these alternatives, including the rated capacity in each situation. If the rated work load of a work platform is the same in any configuration, these additional descriptions are not necessary.

(h) A clear statement of whether or not the platform and its enclosure are electrically insulated. If insulated, the level of protection and the applicable test standard shall be stated, in accordance with ANSI 92.2-1979.

(i) The rated work load shall be clearly displayed at each entrance to the platform.

(12) Lift manual requirement. Each work platform shall be provided with an appropriate manual. The manual shall contain:

(a) Descriptions, specifications, and ratings of the work platform, including the data specified in subsection (11)(h) and (i) of this section.

(b) The maximum system pressure and the maximum voltage of the electrical systems that are part of the work platform.

(c) Instructions regarding operation, maintenance, and weld specifications.

(d) Replacement parts information.

(13) Inspection and maintenance.

(a) Each work platform shall be inspected, maintained, repaired and kept in proper working order in accordance with the manufacturer's maintenance and repair manuals.

(b) Any work platform not in safe operating condition shall be removed from service until it is repaired.

(c) All repairs shall be made by a qualified service person in conformance with the manufacturer's maintenance and repair manuals.

(14) Operator requirements. Only trained and authorized personnel shall be permitted to operate the work platform. Before using the work platform, the operator shall have:

(a) Read and understood the manufacturer's operating instructions and safety rules, or been trained by a qualified person on the contents of the manufacturer's instructions and safety rules.

(b) Read and understood all decals, warnings, and instructions on the work platform.

(c) On a daily basis, before the work platform is used, it shall be given a thorough inspection, which shall include:

(i) Inspection for defects such as cracked welds, hydraulic leaks, damaged control cable, loose wire connections, and tire damage.

(ii) Inspection of functional controls for proper operation.

(d) Any suspect items discovered through inspection shall be carefully examined and a determination made by a qualified service person as to whether they constitute a safety hazard. All unsafe items shall be corrected before further use of the work platform.

(e) Before the work platform is used, the operator shall survey the area for hazards such as:

- (i) Untamped earth fills.
- (ii) Ditches.
- (iii) Dropoffs or holes.
- (iv) Bumps and floor obstructions.
- (v) Debris.
- (vi) Overhead obstructions and high-voltage conductors.

(vii) Other possible hazardous conditions.

(15) Requirement for operations. The work platform shall be used only in accordance with the manufacturer's operating instructions and safety rules, ANSI A92.6-1979, and this standard.

(a) Only trained and authorized personnel shall be permitted to operate the work platform.

(b) Before each elevation of the work platform, the operator shall:

(i) Check for overhead obstructions and high-voltage conductors. A minimum distance of ten feet from energized high-voltage conductors shall be maintained at all times between the conductors and the operator and platform equipment.

(ii) Ensure that the work platform is elevated only on a firm and level surface.

(iii) Ensure that the load and its distribution on the platform are in accordance with the manufacturer's rated capacity. The manufacturer's recommended load limits shall never be exceeded.

(iv) Ensure that outriggers and stabilizers are used if the manufacturer's instructions require their use.

(v) Ensure that guardrails are properly installed, and gates or openings are closed.

(c) Before and during driving while the platform is elevated, the operator shall:

(i) Be required to look in the direction of, and keep a clear view of, the path of travel and assure that the path of travel is firm and level.

(ii) Maintain a safe distance from obstacles, debris, dropoffs, holes, depressions, ramps, or other hazards to safe elevated travel.

(iii) Maintain a safe distance from overhead obstacles.

(d) Under all travel conditions, the operator shall limit travel speed in accordance with conditions of ground surface, congestion, slope, location of personnel, and other factors which may create a hazard of collision or injury to personnel.

(e) Stunt driving and horseplay shall not be permitted.

(f) Personnel shall maintain a firm footing on the platform while working thereon unless they are secured by safety harness and lanyard devices fixed to manufacturer-approved hard points. Use of railings or planks, ladders or any other device on the work platform for achieving additional height shall be prohibited.

(g) The operator shall immediately report defects or malfunctions which become evident during operation and shall discontinue use of the work platform until correction has been made.

(h) Altering or disabling of safety devices or interlocks shall be prohibited.

(i) Care shall be taken to prevent ropes, electric cords, hoses, etc., from becoming entangled in the work platform when the platform is being elevated, lowered, or moved.

(j) Work platform rated capacities shall not be exceeded when loads are transferred to the platform at elevated heights.

(k) The operator shall ensure that the area surrounding the work platform is clear of personnel and equipment before lowering the platform.

(16) Fuel tanks shall not be filled while the engine is running. Spillage shall be avoided.

(17) Batteries shall not be charged except in an open, well-ventilated area, free of flame, smoking, spark, or fire.

(18) Modifications. All modifications and alterations to work platforms shall be certified in writing by the manufacturer or by any other equivalent entity, such as a nationally recognized testing laboratory, as being in conformance with all applicable provisions of ANSI A92.6-1979.

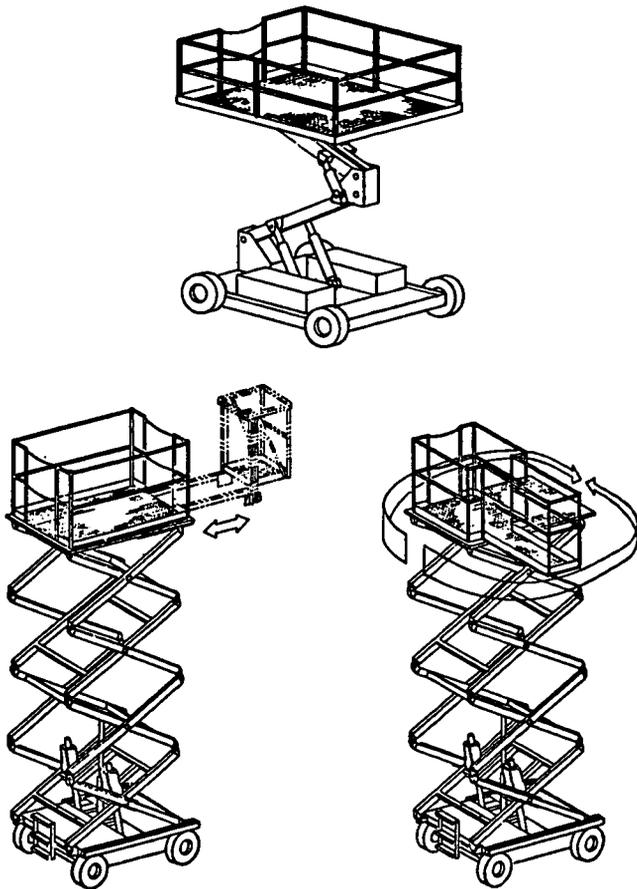


Fig. 1
Examples of Work Platforms

NEW SECTION

WAC 296-155-48529 BOOM SUPPORTED ELEVATING WORK PLATFORMS. (1) All applicable rules for design, construction, maintenance, operation, testing and use of boom supported elevating work platforms shall be in accordance with ANSI A92.5-1980.

(2) Minimum rated work load. The minimum rated work load of a work platform shall be three hundred pounds. Either single or multiple ratings may be used.

(a) Work platforms with single ratings shall include means which clearly present the rated work load to the operator at the platform control station.

(b) Work platforms having multiple configurations with multiple ratings shall have means which clearly describe the rated work load of each configuration to the operator at the platform control station. Examples of multiple configurations are:

(i) Outriggers extended to firm footing versus outriggers not extended.

(ii) Large platform versus small platform.

(iii) Extendable boom retracted versus extended.

(iv) Boom elevated versus lowered.

(v) Extendable axles extended versus retracted.

(3) Boom angle indicator: When the rated capacity of the alternate configuration depends on the angle the boom makes with the horizontal, the manufacturer shall install means by which that angle can be determined. Such means shall be clearly displayed to the operator at the platform control station.

(4) Structural safety.

(a) All load-supporting structural elements of the work platform shall have a structural safety factor of not less than two to one based on the minimum yield strength of the materials used.

(b) The load-supporting structural elements of the work platform that are made of nonductile material which will not deform plastically before breaking shall have a structural safety factor of not less than five to one based on the minimum ultimate strength of the materials used.

(c) The design stress used in determining the structural safety factor shall be the maximum stresses developed within the element with the machine operating at its rated work load, used in the type of service for which it was designed, and operated in accordance with manufacturer's operation instructions.

(d) The design stress shall include the effects of stress concentration and dynamic loading as shown in ANSI A92.5-1980.

(5) Platform stability.

(a) Each work platform shall be capable of maintaining stability while sustaining a static load equal to one and one-third times its rated work load, concentrated anywhere twelve inches inside the perimeter of the platform, throughout its entire range of motion while on a slope of five degrees from the horizontal in the direction most likely to cause overturning.

(i) If having the outriggers, stabilizers, or extendable axles in contact with the supporting surface is part of the normal configuration to meet the stability requirements, they shall be extended.

(ii) A visual inspection shall be made to determine whether this test has produced an adverse effect on any component.

(b) Each work platform shall sustain on level ground a test load equal to one and one-half times its rated work load throughout the entire range of motion in which the boom can be placed.

(i) The test load shall be placed with its center of gravity twelve inches inboard from the guardrail while the unit is in the least stable position.

(ii) The work platform shall remain stable during this test.

(iii) A visual inspection shall be made to determine whether this test has produced an adverse effect on any component.

(c) Each work platform shall be capable of maintaining stability when positioned on a five degree slope in its backward stability configuration in the direction and condition most likely to cause overturning, while sustaining a horizontal force of one hundred fifty pounds or fifteen percent of rated capacity, whichever is greater, applied to the upper perimeter of the platform in the direction most likely to cause overturning (See

Fig. 1). Note that the most adverse condition may be with zero or with rated work load (concentrated one foot inside perimeter of platform), depending on basket configuration.

(i) If having the outriggers, stabilizers, or extendable axles in contact with the supporting surface is part of the normal configuration to meet stability requirements, they shall be extended.

(ii) A visual inspection shall be made to determine whether this test has produced an adverse effect on any component.

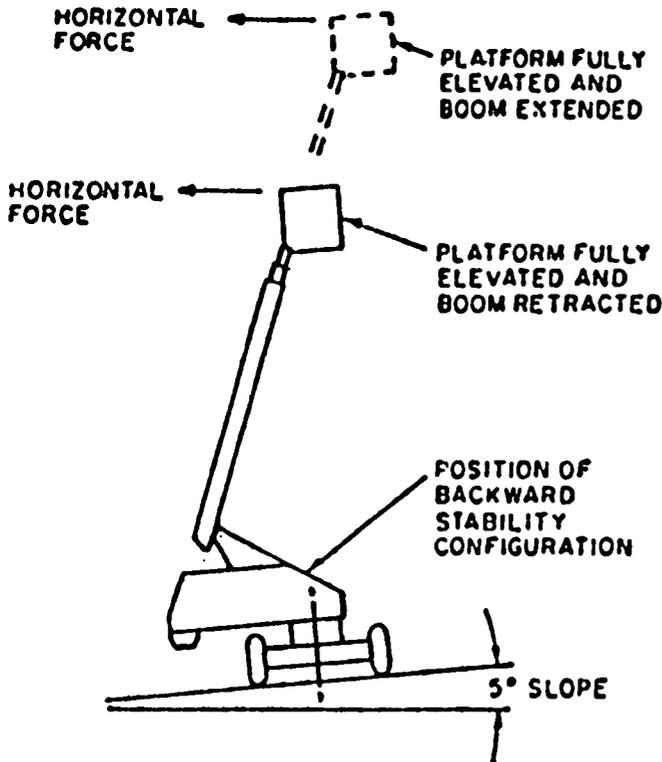


Fig. 1
Backward Stability – Typical Test Condition

(6) Work platform design requirement. The work platform shall be provided with a guardrail or other structure approximately forty-two inches plus or minus three inches high around its upper periphery, with a midrail, and with toeboards not less than four inches high. Guardrails and midrail chains or the equivalent may be substituted across an access opening.

(a) All stepping, standing, and working surfaces shall be skid resistant.

(b) Attachment points shall be provided for a body belt and lanyard for each person occupying the platform.

(7) Work platform controls. Work platforms shall have both primary and secondary controls.

(a) Primary controls shall be readily accessible to the operator on the platform.

(b) Secondary controls shall be designed to override the primary controls and shall be readily accessible from ground level.

(c) Both primary and secondary controls shall be clearly marked, using permanent legible identification which can be easily understood.

(d) All directional controls shall move in the direction of the function which they control when possible, and shall be of the type which automatically returns to the "off" or the neutral position when released.

(e) Such controls shall be protected against inadvertent operation.

(8) Outrigger interlocks. Where the work platform is equipped with outriggers, stabilizers, or extendable axles, interlocks shall be provided to ensure that the platform cannot be positioned beyond the maximum travel height unless the outriggers, stabilizers, or extendable axles are properly set. Control circuits shall ensure that the driving motor(s) cannot be activated unless the outriggers or stabilizers are disengaged and the platform has been lowered to the maximum travel height (MTH).

(9) Auxiliary operating means: All work platforms shall be provided with an auxiliary means of lowering, retracting, and rotating in the event of primary power loss.

(10) Emergency stop: All work platforms shall be equipped with an emergency stop device, readily accessible to the operator, which will effectively de-energize all powered systems in case of a malfunction.

(11) Tilt alarm: All work platforms shall be fitted with an alarm or other suitable warning at the platform, which will be activated automatically when the machine base is more than five degrees out of level in any direction.

(12) System safety factors.

(a) Where the platform is supporting its rated work load by a system of wire ropes or lift chains, or both, the safety factor of the wire rope or chain shall not be less than eight to one, based on ultimate strength.

(b) All critical components and hoses of hydraulic and pneumatic systems shall have a minimum bursting strength of four times the operating pressure for which the system is designed.

(c) Noncritical components shall have a minimum bursting strength of two times the operating pressure for which the system is designed.

(d) Critical components are defined as those in which a malfunction would result in a free descent of the platform.

(13) Failsafe requirements.

(a) Where the elevation of the platform is accomplished by an electromechanical assembly, the system shall be so designed as to prevent free descent in the event of a generator or power failure.

(b) Where the elevation of the platform is accomplished by a hydraulic or pneumatic cylinder assembly, the system shall be so equipped as to prevent free descent in the event a hydraulic or pneumatic line bursts.

(c) Hydraulically or pneumatically actuated outriggers or stabilizers, or both, shall be so designed as

to prevent their retraction in the event a hydraulic or pneumatic line bursts.

(14) Engine requirement.

(a) Fuel lines of internal-combustion-engine-powered work platforms shall be supported to keep chafing to a minimum and located to keep exposure to engine and exhaust heat to a minimum.

(b) Liquid fuel lines shall be hard except where flexible connections are required for isolation from vibration.

(c) LP gas fuel systems shall use flexible LP gas hose or hard lines.

(d) Exhaust lines shall be equipped with mufflers and shall be located to minimize the exposure to noise and fumes of operators and personnel located in the proximity of such units.

(15) Specifications display. There shall be displayed on all work platforms, in a permanent manner, at a readily visible location, the following information:

(a) Special warnings, cautions, or restrictions necessary for safe operation in accordance with ANSI Z35.1-1972 and Z35.4-1973.

(b) Make, model, serial number, and manufacturer's name and address.

(c) Rated work load.

(d) Maximum platform height and maximum travel height.

(e) Reference to studying operating instructions in manual before use.

(f) Alternative configuration statement. If a work platform is capable of several alternative configurations and loads, the alternatives shall be clearly described.

(g) A clear statement of whether or not the platform and its enclosure are electrically insulated. If they are electrically insulated, the voltage at which the platform is rated and the applicable test standard shall be stated.

(h) The rated work load shall be clearly displayed at each entrance to the platform and the operator control station.

(16) Lift manual requirements. Each work platform shall be provided with a manufacturer's manual(s) containing the following information:

(a) Descriptions, specifications, and ratings of the work platform, including the data specified in subsection (17) of this section.

(b) The maximum hydraulic operating pressure and the maximum voltage of the electrical systems which are part of the platform.

(c) Instructions regarding operation, safety rules, maintenance, and repair.

(d) Replacement parts information.

(17) Inspection and maintenance.

(a) Each work platform shall be inspected, maintained, repaired, and kept in proper working condition in accordance with the manufacturer's maintenance and repair manuals.

(b) Any work platform found not to be in safe operating condition shall be removed from service until repaired.

(c) All repairs shall be made by a qualified person in conformance with the manufacturer's maintenance and repair manual(s).

(18) Operator requirements. Only trained and authorized persons shall be permitted to operate the work platform. Before using the work platform, the operator shall:

(a) Be instructed by a qualified person in the intended purpose and function of each of the controls.

(b) Read and understand the manufacturer's operating instructions and safety rules, or be trained by a qualified person on the contents of the manufacturer's operating instructions and safety rules.

(c) Understand by reading or by having a qualified person explain all decals, warnings, and instructions displayed on the work platform.

(d) Prior to use on each work shift, the work platform shall be inspected for defects that would affect its safe operation and use. The inspection shall consist of the following:

(i) Visual inspection for cracked welds or other structural defects, hydraulic leaks, damaged control cables, loose wire connections, and tire damage.

(ii) Function test of the operating controls to ensure that they perform their intended functions. Any suspect items shall be carefully examined and a determination made by a qualified person as to whether they constitute a safety hazard. All unsafe items shall be corrected before further use of the work platform.

(iii) Before the work platform is used and during use, the job site shall be checked for hazards such as ditches, dropoffs or holes, bumps and floor obstructions, debris, overhead obstructions and high-voltage conductors, and other possible hazardous conditions.

(19) Requirements for operation. The work platform shall be used only in accordance with the manufacturer's operating instructions and safety rules, ANSI 92.6-1979 and this standard.

(a) Only trained and authorized personnel shall be permitted to operate the work platform.

(b) Before each elevation of the work platform, the operator shall:

(i) Check for overhead obstructions and high-voltage conductors. A minimum distance of ten feet from energized high-voltage conductors shall be maintained at all times between the conductors and the operator and platform equipment.

(ii) Ensure the work platform is elevated only on a firm and level surface.

(iii) Ensure that the load and its distribution on the platform are in accordance with the manufacturer's rated capacity. The manufacturer's rated work load shall never be exceeded.

(iv) Ensure that outriggers or stabilizers are used in accordance with manufacturer's instructions.

(v) Ensure that platform guardrails are properly installed and gates or openings are closed.

(vi) Check to see that all occupants' safety belts are on and properly attached.

(f) Before and during driving while elevated, the operator shall:

(i) Be required to look in the direction of, and keep a clear view of, the path of travel and make sure that the path is firm and level.

(ii) Maintain a safe distance from obstacles, debris, dropoffs, holes, depressions, ramps, and other hazards to safe elevated travel.

(iii) Maintain a safe distance from overhead obstacles.

(g) Under all travel conditions the operator shall limit speed according to conditions of ground surface, congestion, slope, location of personnel, and other factors which may create a hazard of collision or injury to personnel.

(h) Stunt driving and horseplay shall not be permitted.

(i) Personnel shall maintain a firm footing on the platform while working thereon. Safety harness and lanyard devices fixed to attachment points provided and approved by the manufacturer shall be used by all occupants. Use of railings, planks, ladders, or any other device on the work platform, except as provided in subsection (24) of this section, shall be prohibited.

(j) The operator shall immediately report to his supervisor any defects or malfunctions which become evident during operation. Any defects or malfunctions that affect the safety of operation shall be repaired prior to continued use of the work platform.

(k) Altering, modifying, or disabling safety devices or interlocks is prohibited.

(l) Care shall be taken to prevent ropes, electric cords, hoses, and the like from becoming entangled in the work platform when it is being elevated, lowered, or moved.

(m) Work platform rated capacities shall not be exceeded when live loads are transferred to the platform at elevated heights.

(n) The operator shall ensure that the area surrounding the work platform is clear of personnel and equipment before lowering the platform.

(20) Refueling: Fuel tanks shall not be filled while the engine is running. Caution shall be used while filling tanks to avoid spilling fuel.

(21) Battery charging: Batteries shall not be charged except in an open, well ventilated area free of flame, smoking, spark, and fire.

(22) Modifications: There shall be no modification or alteration to work platforms without the modifications being approved and certified in writing by the manufacturer or other equivalent entity, such as a nationally recognized testing laboratory, to be in conformance with all applicable provisions of ANSI A92.5-1980 and this standard.

NEW SECTION

✓ WAC 296-155-48531 VEHICLE MOUNTED ELEVATING AND ROTATING AERIAL DEVICES. (1) All applicable rules for design, construction, maintenance, operation, testing, and use of vehicle mounted elevating and rotating aerial devices shall be in accordance with ANSI A92.2-1979.

(2) Application: The requirements of this subsection shall be complied with for such equipment as required by the provisions of WAC 296-155-580.

(3) Specification display. The aerial device shall have manufacturers statement clearly stating the minimum

values for the following characteristics of vehicles required to provide a stable and structurally sound carrier for the aerial device:

(a) The front gross axle weight rating (GAWR front).

(b) The rear gross axle weight rating (GAWR rear).

(c) The gross vehicle weight rating (GVWR).

(d) The frame section modulus.

(e) The yield strength of the vehicle frame.

(f) The frame resisting bending moment (RBM).

(g) The wheelbase dimension (WB).

(h) The rear of cab to rear axle centerline dimension (CA).

(4) Data display: The following information shall be clearly state in the manufacturers manual and on the aerial device.

(a) Make and model.

(b) Rated load capacity.

(c) Aerial device height and reach.

(d) Maximum pressure of the hydraulic system and voltage of the electrical system.

(e) Cautions and restrictions of operations.

(5) Types of rated load: Rated load capacity is of two distinct types:

(a) The platform load consisting of the weight of personnel and all items carried on or in the platform.

(b) Supplemental loads which may be fixed directly to the boom(s), or to load-carrying attachments on the aerial device.

(i) The capacity rating in either case shall be designated with boom or booms extended to the position of maximum overturning moment attainable throughout full rotation of the pedestal.

(ii) Capacities of the aerial device in other positions shall be specified separately.

(iii) The manual and placards affixed to the aerial device shall state all applicable capacity ratings.

(6) Multiple configuration rated load. If the aerial device is specified in multiple configurations, these configurations shall be clearly described including the rated load capacity of each, in the manufacturers manual and on the aerial device. Examples of alternate configurations are:

(a) With outriggers extended to firm footing versus outriggers not extended.

(b) With chassis suspension locking device engaged versus disengaged.

(c) With one platform versus more than one platform.

(d) Used as a personnel-carrying device only versus used as a personnel-carrying and material-handling device.

(e) With extensible aerial device retracted or extended.

(f) With digger attached to boom versus with digger removed from boom. If the rated load capacity of the alternate configuration is related to an angle which a boom(s) makes with the horizontal, the manufacturer shall install a means by which the angle of the boom(s) can be determined.

(7) Maximum elevation determination: Height shall be determined at maximum elevation, from the floor of the platform to the ground, with the aerial device

assumed to be mounted on a vehicle having a chassis frame height of thirty-six inches.

(8) Maximum reach determination: Reach, as a maximum, shall be measured in the horizontal plane, from the centerline of rotation to the outer edge (rail) of the platform.

(9) Insulated aerial devices.

(a) The aerial device manufacturers manual and instruction plate(s) shall clearly state whether the aerial device is insulated or noninsulated.

(b) In the case of insulated aerial devices.

(i) The manual and instruction plate(s) shall clearly state the qualification voltage for which the aerial device has been satisfactorily tested in accordance with this standard.

(ii) The manual and instruction plate(s) shall clearly state the design voltage for which the aerial device can be tested.

(iii) All components bridging the insulated portions of the aerial device shall have electrical insulating values consistent with the design voltage rating of the upper boom, and, when provided, of the lower insulator.

(iv) Test electrodes on articulating-boom aerial devices rated over 69 kV, and optionally at 69 kV, shall be installed permanently on the inside and outside surfaces of the insulated portion of the upper boom for the purposes of monitoring electrical leakage current.

(v) The test electrodes shall be two to six inches from the metal portion of the lower end of the insulated upper boom.

(vi) All hydraulic and pneumatic lines bridging the insulated portion of the upper boom shall have metallic couplings which connect the inside and outside of any hose and shall be adjacent to the insulated boom test electrodes.

(vii) The test electrode on the outside surface of the insulated boom on extensible-boom aerial devices shall be removable.

(viii) The location of the removable test electrode shall be permanently marked or recorded to facilitate repeating future tests of the apparatus.

(10) Quality control. The design and manufacture of the aerial device shall comply with the principles outlined in this subsection. The manufacture of the aerial device shall include a quality control system which will ensure compliance with ANSI A92.2-1979 and this standard. The drawings and manual shall specify those welds that are considered critical and that must conform to the following standards:

(a) Structural Welding Code, AWS D1.1-1979.

(b) Specifications for Welding Industrial and Mill Cranes, AWS D14.1-1970.

(c) Standards for Qualifications of Welding Procedures and Welders for Piping and Tubing, AWS D10.9-1969.

(i) The manufacture and installation of aerial devices shall include applicable welding quality control procedures for all weldments.

(ii) Methods of nondestructive testing shall be described in the quality control procedures.

(iii) The quality control procedures shall designate the welds to be examined, the extent of examination, and the method of testing.

(iv) Appropriate inspection methods of welds are recommended by the American Welding Society.

(v) The structural load-supporting elements of the aerial device which support the platform, and which are made of a ductile material, shall have a design stress of not more than fifty percent of the minimum yield strength of the material, based on the combined rated load and weight of the support structure.

(vi) The structural load-supporting elements of the aerial device which support the platform, and which are made of a nonductile material, shall have a design stress of not more than twenty percent of the minimum ultimate strength of the material, based on the combined rated load and weight of the support structure.

(vii) The same structural safety factors stated above shall also apply to the platform.

(11) Aerial lift specification. Articulating-boom and extensible-boom aerial devices primarily designed as personnel carriers shall have both upper and lower controls.

(a) Upper controls shall be in or beside the platform, readily visible to the operator, and protected from damage and inadvertent actuation.

(b) Lower controls shall be easily accessible and shall provide for overriding the upper controls.

(c) These and all other controls shall be plainly identified as to their function.

(d) The controls shall return to their neutral position when released by the operator.

(e) Vehicle-mounted articulating and telescoping cranes or derricks equipped with accessory platforms need not have controls at the platform station.

(f) Aerial ladders that are designed and manufactured with upper controls shall comply with the requirements of this subsection.

(g) Mechanical ladders that are counterbalanced for ease in raising to, and lowering from, an operating position shall be equipped with a locking device to secure the ladder in the lower traveling position.

(h) Each aerial device, when mounted on a vehicle meeting the manufacturer's minimum vehicle specifications, and used in a specific configuration, shall comprise a mobile unit capable of sustaining a static load one and one-half times its rated load capacity, in every position in which the load can be placed within the definition of the specific configuration, when the vehicle is on a firm and level surface. If having the outriggers extended to a firm footing is part of the definition of the configuration, they shall be extended to provide leveling for the purpose of determining whether the mobile unit meets the stability requirements.

(i) Each aerial device, when mounted on a vehicle meeting the manufacturer's minimum vehicle specifications, and used in a specific configuration, shall comprise a mobile unit capable of sustaining a static load one and one-third times its rated load capacity in every position in which the load can be placed within the definition of the specific configuration when the vehicle is on a slope of five degrees downward in the direction

most likely to cause overturning. If having the outriggers extended to a firm footing is part of the definition of the configuration, they shall be extended to provide leveling for the purpose of determining whether the mobile unit meets the stability requirements.

(j) If other facilities, such as a means of turntable leveling, are provided to minimize the effect of the sloping surface, then those facilities shall be utilized for the purpose of determining whether the mobile unit meets the stability requirements.

(k) Vertical towers designed specifically for operation only on a level surface shall be excluded from this requirement.

(l) None of the stability tests described in this subsection shall produce instability of the mobile unit as defined herein or cause permanent deformation of any component.

(m) The lifting of a tire or outrigger on the opposite side of the load does not necessarily indicate a condition of instability.

(12) Hydraulic components.

(a) All hydraulic components whose failure could result in free and unrestricted motion of the boom(s) shall have a minimum bursting strength of at least four times the operating pressure for which the system is designed.

(b) All hydraulic components normally rated according to bursting strength, such as hose, tubing, and fittings, shall have a minimum bursting strength of at least three times the operating pressure for which the system is designed.

(c) All hydraulic components normally rated according to performance criteria, such as rated flow and pressure, life cycles, pressure drop, rpm, torque, and speed, shall have a minimum bursting strength of at least two times the operating pressure for which the system is designed. Such components generally include pumps, motors, directional controls, and similar functional components.

(13) Power failure.

(a) Where the operation of the aerial device is accomplished by hydraulic means, the system shall be equipped with appropriate devices to prevent free and unrestricted motion of the aerial device in the event of hydraulic line failure.

(b) Where the operation of the aerial device is accomplished electrically, the system shall be designed to prevent free and unrestricted motion in the event of generator or power failure.

(c) This protection shall also apply to components used to stabilize a mobile unit where a system failure would result in instability.

(14) Platforms.

(a) Platform walls shall be approximately forty-two inches plus or minus three inches high when buckets or baskets are used as platforms, or the platforms shall be provided with a rail or other device around the periphery that also shall be approximately forty-two inches plus or minus three inches above the floor with a midrail and a kick plate that is at least four inches high, or its equivalent.

(b) A means shall be provided that allows personnel to attach a safety strap or lanyard to the platform or boom.

(c) Steps of all platforms shall be provided with nonskid surfaces.

(d) The platform wall height of any unit made in conformance with ANSI A92.2-1979 shall be acceptable.

(e) After the effective date of this standard, units shall conform to the requirements of this subsection.

(f) Platforms with folding-type floors and steps or rungs may be used without rails and kick plates if a method is provided to allow personnel equipped with a body belt and safety strap or lanyard to attach themselves to the platform or boom.

(g) Platforms for aerial ladders shall have a kick plate at least four inches high or its equivalent, around three sides of the platform.

(h) Provision shall be made to allow personnel equipped in accordance with WAC 296-155-225 with a body belt and safety strap or lanyard to attach themselves to the ladder rail.

(15) Specifications display. The aerial device shall have identification, operation, and instruction placards, decals, plates, or the equivalent, which are legible, permanent, and readily visible. There shall be installed on each aerial device applicable markings or provide these markings with appropriate installation instructions. The markings on the aerial device shall not be removed, defaced, or altered. All missing or defective markings shall be replaced.

(a) An aerial device shall have the following markings:

(i) Identification markings.

(ii) Operation markings.

(iii) Instruction markings.

(b) Aerial devices shall have markings to indicate the following:

(i) Make.

(ii) Model.

(iii) Insulated or noninsulated.

(iv) Qualification voltage and date of test.

(v) Serial number.

(vi) Rated load capacity.

(vii) Height.

(viii) Aerial device system pressure or aerial device system voltage, or both.

(c) Aerial devices shall have markings describing the function of each control. Markings shall be determined by the manufacturer or the manufacturer and user jointly to indicate hazards inherent in the operation of an aerial device and those hazards for which the aerial device does not provide protection. The following instruction markings shall be provided for:

(i) Electrical hazards involved in the operation of the machine to warn that an aerial device does not provide protection to the operator from contact with or in proximity to an electrically charged conductor when he is in contact with or in proximity to another conductor.

(ii) Electrical hazards involved in the operation of the machine to warn that an aerial device, when working on or in proximity to energized conductors, shall be considered energized, and that contact with the aerial

device or vehicle under those conditions may cause serious injuries.

(iii) Hazards that result from failure to operate the equipment in a prescribed manner.

(iv) Information related to the use and load rating of the equipment for material handling.

(v) Information related to the use and load rating of the aerial device for alternate configurations.

(vi) Information related to operator cautions.

(d) The color, format, and substance shall conform to:

(i) American National Standard for Accident Prevention Signs, ANSI Z35.1-1972.

(ii) American National Standard for Accident Prevention Tags, ANSI Z35.2-1968.

(iii) American National Standard for Informational Signs Complementary to ANSI Z35.1-1972 Accident Prevention Signs, ANSI Z35.4-1973.

(16) Testing of new aerial devices: In addition to the manufacturer's prototype tests and quality control measures, each new aerial device, including mechanisms, shall be tested to the extent necessary to ensure compliance with the operational requirements of this subsection.

(a) Operational tests shall include the following:

(i) Boom(s) elevating and lowering mechanism.

(ii) Boom extension mechanism.

(iii) Rotating mechanism.

(iv) Stability tests.

(v) Safety devices.

(b) A visual inspection of the finished unit shall be made to determine whether the operational test has produced an adverse effect on any component. Whoever mounts an aerial device upon a vehicle shall, before the mobile unit is placed in operation, perform stability tests in accordance with the requirements of subsection (11) of this section, and the operational and visual tests in accordance with this subsection.

(17) Electrical tests: All electrical tests shall be performed in accordance with ANSI A92.2-1979.

(18) Test reports: A certified report of the tests, specified in this subsection, signed by a registered professional engineer, or an equivalent entity shall be provided with each unit.

(19) Manual requirement: Aerial devices shall comply with the requirements of this standard and shall be provided with manuals. The manuals shall contain:

(a) Descriptions, specifications, and ratings of the aerial device.

(b) The maximum system pressure and the maximum voltage of electrical systems which are part of the aerial device.

(c) Instructions regarding operation, maintenance, and specified welds.

(d) Replacement part information.

(e) Instructions for installing or mounting the aerial device.

(20) Inspections:

(a) Prior to initial use, all new or modified mobile units shall be inspected and tested by the owners and users to ensure compliance with the provisions of this standard and ANSI A92.2-1979.

(b) The inspection procedure for mobile units in regular service is divided into two classifications based upon the intervals at which inspections and tests shall be performed. Safe intervals shall be set by the user, within the limits recommended by the manufacturer, and are dependent upon the nature of the critical components of the mobile unit and the degree of their exposure to wear, deterioration, or malfunction. The two classifications are designated as "frequent" and "periodic" with respective intervals between inspections and tests, as defined below:

(i) Frequent inspection and test: Daily to monthly intervals, or before use, if not used regularly.

(ii) Periodic inspection and test: One to twelve month intervals.

(21) Frequent inspections: Items such as, but not limited to the following shall be inspected for defects at the intervals as defined in subsection (20)(b)(i) of this section or as specifically indicated, including observation during operation, for any defects which might appear between regular inspections. These tests and inspections shall be performed by the operator. Any suspected items shall be carefully examined and a determination made by a qualified person as to whether they constitute a safety hazard. All unsafe items shall be corrected before further use.

(a) Operating controls and associated mechanisms for conditions interfering with proper operation.

(b) Operating controls and associated mechanisms for excessive component wear and contamination by foreign material.

(c) Visual and audible safety devices for malfunction.

(d) Hydraulic or pneumatic systems for observable deterioration or excessive leakage.

(e) Fiberglass and other insulating components for visible damage or contamination.

(f) Electrical apparatus for malfunction, signs of excessive, dirt, and moisture accumulation.

(22) Periodic inspection. An inspection of the mobile unit shall be performed at the intervals defined in subsection (20)(b)(ii) of this section, depending upon its activity, severity of service, and environment, or as specifically indicated below. Any suspect items shall be carefully examined and a determination made by a qualified person as to whether they constitute a safety hazard. All unsafe items shall be corrected before further use. Nondestructive inspection and testing methods shall be used where there are questionable structural components.

(a) Deformed, cracked, or corroded members in the aerial device structure.

(b) Worn, cracked or distorted parts, such as pins, bearings, shafts, gears, rollers, locking devices, chains, chain sprockets, wire ropes, and sheaves.

(c) Hydraulic and pneumatic relief valve settings.

(d) Hydraulic system for proper oil level.

(e) Hydraulic and pneumatic fittings, hoses, and tubing for evidence of leakage, abnormal deformation, or excessive abrasion.

(f) Compressors, pumps, motors, and generators for loose fasteners, leaks, unusual noises or vibrations, loss of operating speed, and excessive heating.

(g) Hydraulic and pneumatic valves for cracks in the valve housing, leaks, and sticking spools.

(h) Hydraulic and pneumatic cylinders and holding valves for malfunction and visible damage.

(i) Hydraulic and pneumatic filters for cleanliness and the presence of foreign material in the system indicating other component deterioration.

(j) Performance test of all boom movements.

(k) Condition and tightness of bolts and other fasteners.

(l) Welds, as specified by the manufacturer.

(m) Legible and proper markings of controls, ratings, and instructions.

(23) Electrical insulation rating tests: If the aerial device is considered, rated, and used as an insulated device, the electrical insulating components and system, after a thorough inspection for lack of cleanliness and other hazards, shall be tested for compliance with the rating of the aerial device in accordance with one of the following applicable methods and procedures:

(a) In accordance with section 5.2 of ANSI A92.2-1979 where adequate test facilities are available.

(b) In the field if the aerial device is equipped with electrical test electrodes. The insulated boom may be raised into a high voltage line whose voltage is as high as or higher than the voltage to be worked but not exceeding the design voltage of the aerial device. The electrical leakage current shall not exceed 1 microampere per line to ground per kilovolt applied.

(c) For units rated 69 kV and under, by placing a fused and protected ammeter in the circuit between a test powerline and the conductive metal assembly at the bucket end of the insulated boom.

(i) The lower end of the boom section to be tested shall be grounded.

(ii) The ammeter shall be shielded from any stray electrical currents, and shall give the measurement of any leakage current across the boom and controls, or any capacitive currents involved from the platform to ground, or both.

(iii) The minimum voltage of the test line shall be that of any circuit on which the aerial device is to be used but not exceeding the design voltage of the aerial device.

(iv) During a three minute test period, the total current through the ammeter shall not exceed the following limits at the corresponding rated line voltages:

Line Voltage (kV)	Maximum Current (Microamperes)
69	1000
34.5	500
13.2	200

(d) For units rated 69 kV and under and not used for bare hand application, a dc test voltage and procedure shall be used. The dc potential and leakage current limit shall be specified by the aerial device manufacturer or an equivalent entity.

(e) For platform liners, a retest at seventy percent of the original factory test voltage in accordance with the

procedures of section 5.2.2.5 of ANSI A92.2-1979, or the equivalent shall be made.

(f) All electrical tests shall be performed only by qualified persons who are aware of the dangers.

(24) Inspection documentation:

(a) A check sheet or list of items to be inspected shall be provided to the operator or other authorized person for use in making frequent inspections. Records of frequent inspections need not be made. However, where a safety hazard is found, it shall be reported in writing to a person responsible for the corrective action and that report and a record of the correction shall be maintained.

(b) Written, dated, and signed reports and records shall be made of periodic inspections and tests and retained for a period of time consistent with need. Records shall be readily available. Manufacturer's recommendations as to the necessity and frequency of maintenance shall be followed.

(25) Modifications: No modifications or additions which affect the mechanical, hydraulic, or electrical integrity or the safe operation of the aerial device shall be made without the written approval of the manufacturer or an equivalent entity.

(a) If such modification or changes are made, the capacity, operation, and maintenance instruction markings shall be changed accordingly.

(b) In no case shall the safety factors be reduced below those specified in this standard, ANSI A92.2-1979, or below the manufacturer's design factors, whichever are greater.

(c) Changes in loading or additions made to the mobile unit after the final acceptance that affect weight distribution shall meet applicable loading regulations of the National Traffic and Motor Vehicle Safety Act of 1966 sections on Certification.

(26) Qualified operators: The user shall select and authorize only those persons qualified by training or experience, or both, to operate the aerial devices. Each operator shall be instructed in the safe and proper operation of the aerial device in accordance with the manufacturer's operator's manual and the user's work instructions.

NEW SECTION

WAC 296-155-48533 CRANE AND FORKLIFT SUSPENDED OR ELEVATED PERSONNEL PLATFORMS. (1) The use of a platform suspended from a crane hook is permissible under the following controlled conditions, provided the hoisting mechanism of the crane or derrick is power-operated in both up and down directions, the crane is on firm footing, uniformly level within one percent, and outriggers on applicable crane carriers are used in a suitable manner:

(a) Boatswain's chairs.

(i) The lanyard of the safety belt or harness shall be secured to the lift line above the headache ball or to the crane hook itself.

(ii) The crane hook shall be moused or provided with a safety latch.

(b) Barrel-type platform.

(i) A solid bar or rod shall be substantially attached in a rigid position to the bottom or side of the platform.

(ii) The bottom of the barrel-type platform shall be of a convex shape to cause the platform to lay on its side when lowered to the ground or floor.

(iii) The bar or rod shall extend a minimum of eight feet above the floor of the platform.

(iv) The occupant of the platform shall wear a safety belt or harness in accordance with WAC 296-155-225 and the lanyard shall be secured to the lift line above the headache ball or to the hook itself.

(v) The hook shall be moused or provided with a safety latch.

(vi) The platform shall be provided with a standard guardrail.

(c) Box-type platform.

(i) Lifting bridles on box-type platforms shall consist of four legs of equal length, with one end securely attached to each corner of the platform and the other end securely attached to a common ring, shackle, or other equivalent device to accommodate the crane hook, or a strap to the crane hook.

(ii) The platform shall be provided with a standard guardrail and toe board on all open sides.

(iii) The occupants shall wear a safety belt or harness in accordance with WAC 296-155-225 and the lanyard shall be substantially secured to the platform or guardrail of the platform.

(iv) A substantial safety line shall pass through the eye of each leg of the bridle and securely fastened with a minimum amount of slack to the lift line above the headache ball or to the crane hook itself.

(v) The crane hook shall be moused or provided with a safety latch.

(vi) The platform shall be constructed with a minimum five to one safety factor with an allowance of five hundred pounds for the first person with light tools, and an additional two hundred fifty pounds for each additional person.

(vii) The platform shall be marked for maximum occupancy.

(d) Rescue platform: If the platform is used as a rescue vehicle.

(i) The injured worker shall be strapped into the stretcher or basket.

(ii) A safety lanyard attached to the stretcher or basket as well as to the platform itself.

(iii) The safety lanyard shall meet the requirements of WAC 296-155-225.

(e) Multiple-part line block: When a multiple-part line block is in use, a substantial strap shall be used between the crane hook and common ring, shackle, or other equivalent device, to eliminate employee exposure to the lines running through the block, and to the block itself.

(f) Hand signals: The standard hand signals, to the operator, shall be in accordance with WAC 296-155-525(1)(c), unless voice communication equipment (telephone, radio, or equivalent) is utilized. Signals shall be discernible or audible at all times.

(g) All shackle pins shall be secured in place by an appropriate means.

(2) When a forklift truck is used for elevating workers a platform shall be specifically built for that purpose and shall comply with the following requirements:

(a) The platform shall be securely attached to the forks and shall have standard guardrails and toeboards on all open sides.

(b) The hydraulic system of the forklift shall be so designed that the lift mechanism will not drop faster than one hundred thirty-five feet per minute in the event of a failure in any part of the system. Forklifts used for elevating platforms shall be identified that they are so designed.

(c) A safety strap shall be installed or the control level shall be locked to prevent the boom from tilting.

(d) An operator shall be at the controls of the forklift equipment while persons are on the platform.

(e) The operator shall be in the normal operating position while raising or lowering the platform.

(f) The vehicle shall not travel from point to point while persons are on the platform except that inching or maneuvering at very slow speed is permissible.

(g) The area between persons on the platform and the mast shall be adequately guarded to prevent contact with chains or other shear points.

(h) All platforms shall be visually inspected daily or before each use by the person in charge of the work being performed, and shall be tested as frequently as is necessary to maintain minimum safety factors.

SUBCHAPTER PART K WAC

Floor ((and)) openings, wall openings and stairways
WAC

296-155-500 Definitions applicable to this part.

296-155-505 Guardrails, handrails, and covers.

296-155-50501 Appendix—Roofs.

296-155-510 Stairways.

AMENDATORY SECTION (Amending Order 81-9, filed 6/17/81)

✓ WAC 296-155-500 DEFINITIONS

APPLICABLE TO THIS PART. (1) "Built-up-roofing" means a weatherproofing cover, applied over roof decks, consisting of either a liquid-applied system, a single-ply system, or a multiple-ply system. Liquid-applied systems generally consist of silicone rubber, plastics, or similar material applied by spray or roller equipment. Single-ply systems generally consist of a single layer of synthetic rubber, plastic, or similar material, and a layer of adhesive. Multiple-ply systems generally consist of layers of felt and bitumen, and may be covered with a layer of mineral aggregate.

(2) "Built-up-roofing work" means the hoisting, storage, application, and removal of built-up roofing materials and equipment, including related insulation, sheet metal, and vapor barrier work, but not including the construction of the roof deck.

(3) "Floor hole" means an opening measuring less than 12 inches but more than 1 inch in its least dimension in any floor, roof, or platform through which materials but not persons may fall, such as a belt hole, pipe opening, or slot opening.

(4) "Floor opening" means an opening measuring 12 inches or more in its least dimension in any floor, roof, or platform, through which persons may fall.

(5) "Handrail" means a single bar or pipe supported on brackets from a wall or partition, as on a stairway or ramp, to furnish persons with a handhold in case of tripping.

(6) "Low-pitched roof" means a roof having a slope less than or equal to four in twelve.

(7) "Mechanical equipment" means all motor or human propelled wheeled equipment except for wheelbarrows and mopcars.

(8) "MSS systems" (motion-stopping-safety systems) means fall protection using the following equipment singly or in combination: Standard railings (guardrails) as described in WAC 296-155-505(6); scaffolds or platforms with guardrails as described in WAC 296-155-485; safety nets as described in WAC 296-155-230; and safety belt systems as described in WAC 296-155-225.

(9) "Nose, nosing" means that portion of a tread projecting beyond the face of the riser immediately below.

(10) "Platform" means a working space for persons, elevated above the surrounding floor or ground, such as a balcony or platform for the operation of machinery and equipment.

(11) "Rise" means the vertical distance from the top of a tread to the top of the next higher tread.

(12) "Roof" means the exterior surface on the top of a building. This does not include floors which, because a building has not been completely built, temporarily become the top surface of a building.

(13) "Runway" means a passageway for persons, elevated above the surrounding floor or ground level, such as a footwalk along shafting or a walkway between buildings.

(14) "Safety-monitoring system" means a safety system in which a competent person monitors the safety of all employees in a roofing crew, and warns them when it appears to the monitor that they are unaware of the hazard or are acting in an unsafe manner. The competent person must be on the same roof ((as)) and within visual ((sighting)) distance of the employees, and must be close enough to verbally communicate with the employees.

(15) "Stair platform" means an extended step or landing breaking a continuous run of stairs.

(16) "Stair railing" means a vertical barrier erected along exposed sides of a stairway to prevent falls of persons.

(17) "Stairs, stairways" means a series of steps leading from one level or floor to another, or leading to platforms, pits, boiler rooms, crossovers, or around machinery, tanks, and other equipment that are used more or less continuously or routinely by employees or only occasionally by specific individuals. For the purpose of this part, a series of steps and landings having three or more rises constitutes stairs or stairway.

(18) "Standard railing" means a vertical barrier erected along exposed edges of a floor opening, wall

opening, ramp, platform, or runway to prevent falls of persons.

(19) "Standard strength and construction" means any construction of railings, covers, or other guards that meets the requirements of this part.

(20) "Toeboard" means a vertical barrier at floor level erected along exposed edges of a floor opening, wall opening, platform, runway, or ramp to prevent falls of materials.

(21) "Tread width" means the horizontal distance from front to back of tread, including nosing, when used.

(22) "Unprotected side or edge" means any side or edge of a roof perimeter where there is no wall three feet (.9 meters) or more in height.

(23) "Wall opening" means an opening at least 30 inches high and 18 inches wide, in any wall or partition, through which persons may fall, such as an opening for a window, a yard-arm doorway or chute opening.

(24) "Work area" means that portion of a roof where built-up roofing work is being performed.

AMENDATORY SECTION (Amending Order 81-9, filed 6/17/81)

✓ WAC 296-155-505 GUARDRAILS, HANDRAILS, AND COVERS. (1) General provisions. This part ((shall apply)) applies to temporary or emergency conditions where there is danger of employees or materials falling through floor, roof, or wall openings, or from stairways ((or)), runways, ramps, open sided floors, open sides of structures, bridges, or other open sided walking or working surfaces. When guardrails or covers required by this section must be temporarily removed to perform a specific task, the area shall be constantly attended by a monitor to warn others of the hazard or shall be protected by a movable barrier.

(2) Guarding of floor openings and floor holes.

(a) Floor openings shall be guarded by a standard railing and toe boards or cover, as specified in subsections (2)(g) and (6) of this section. In general, the railing shall be provided on all exposed sides, except at entrances to stairways. All vehicle service pits shall have a cover or removable type standard guardrail. When not in use, pits shall be covered or guarded. Where vehicle service pits are to be used again immediately, and the service man is within a 50 foot distance of the unguarded pit and also within line of sight of the unguarded pit, the cover or guardrail need not be replaced between uses. Where vehicle service pits are used frequently, the perimeters of the pits shall be delineated by high visibility, luminescent, skid resistant paint. Such painted delineation shall be kept clean and free of extraneous materials.

(b) Ladderway floor openings or platforms shall be guarded by standard railings with standard toe boards on all exposed sides, except at entrance to opening, with the passage through the railing either provided with a swinging gate or so offset that a person cannot walk directly into the opening.

(c) Hatchways and chute floor openings shall be guarded by one of the following:

(i) Hinged covers of standard strength and construction and a standard railing with only one

exposed side. When the opening is not in use, the cover shall be closed or the exposed side shall be guarded at both top and intermediate positions by removable standard railings;

(ii) A removable standard railing with toe board on not more than two sides of the opening and fixed standard railings with toe boards on all other exposed sides. The removable railing shall be kept in place when the opening is not in use and shall be hinged or otherwise mounted so as to be conveniently replaceable.

(d) Wherever there is danger of falling through a skylight opening, ~~((it shall be guarded by a fixed standard railing on all exposed sides or a cover capable of sustaining the weight of a 200-pound person))~~ and the skylight itself is not capable of sustaining the weight of a two hundred pound person with a safety factor of four, standard guardrails shall be provided on all exposed sides or the skylight shall be covered in accordance with (g) of this subsection.

(e) Pits and trap-door floor openings shall be guarded by floor opening covers of standard strength and construction. While the cover is not in place, the pit or trap openings shall be protected on all exposed sides by removable standard railings.

(f) Manhole floor openings shall be guarded by standard covers which need not be hinged in place. While the cover is not in place, the manhole opening shall be protected by standard railings.

(g) ~~((Temporary floor openings shall have standard railings.))~~ All floor opening covers shall be capable of supporting the maximum potential load but never less than two hundred pounds (with a safety factor of four).

(i) The cover shall be recessed to conform to the level of the surrounding floor or to be flush with the perimeter of the opening.

(ii) The cover shall be secured by fastening devices to prevent unintentional removal.

(iii) If it becomes necessary to remove the cover, a monitor shall remain at the opening until the cover is replaced. The monitor shall advise persons entering the area of the hazard, shall prevent exposure to the fall hazard and shall perform no other duties.

(h) Floor holes, into which persons can accidentally walk, shall be guarded by either a standard railing with standard toe board on all exposed sides, or a floor hole cover of standard strength and construction that is secured against accidental displacement. While the cover is not in place, the floor hole shall be protected by a standard railing.

(i) Where doors or gates open directly on a stairway, a platform shall be provided, and the swing of the door shall not reduce the effective width of the platform to less than 20 inches.

(3) Guarding of wall openings.

(a) Wall openings, from which there is a drop of more than 4 feet, and the bottom of the opening is less than 3 feet above the working surface, shall be guarded as follows:

(i) When the height and placement of the opening in relation to the working surface is such that either a standard rail or intermediate rail will effectively reduce the danger of falling, one or both shall be provided;

(ii) The bottom of a wall opening, which is less than 4 inches above the working surface, regardless of width, shall be protected by a standard toe board or an enclosing screen either of solid construction or as specified in (6)(g)(ii) of this section.

(b) An extension platform, outside a wall opening, onto which materials can be hoisted for handling shall have ~~((side rails))~~ standard guardrails on all exposed sides or equivalent ((guards of standard specifications)). One side of an extension platform may have removable railings in order to facilitate handling materials.

(c) When a chute is attached to an opening, the provisions of ~~((subdivision))~~ (a) of this subsection shall apply, except that a toe board is not required.

(4) Guarding of open-sided ~~((floors, platforms, and runways))~~ surfaces.

(a) Every open-sided floor ~~((or))~~, platform ~~((6))~~ or surface four feet or more above adjacent floor or ground level shall be guarded by a standard railing, or the equivalent, as specified in subsection (6)(a) of this section, on all open sides, except where there is entrance to a ramp, stairway, or fixed ladder. The railing shall be provided with a standard toe board wherever, beneath the open sides, persons can pass, or there is moving machinery, or there is equipment with which falling materials could create a hazard.

(b) Runways shall be guarded by a standard railing, or the equivalent, as specified in subsection (6) of this section, on all open sides, 4 feet or more above floor or ground level. Wherever tools, machine parts, or materials are likely to be used on the runway, a toe board shall also be provided on each exposed side.

(c) Runways used exclusively for special purposes may have the railing on one side omitted where operating conditions necessitate such omission, providing the falling hazard is minimized by using a runway not less than 18 inches wide.

(d) Where employees entering upon runways become thereby exposed to machinery, electrical equipment, or other danger not a falling hazard, additional guarding shall be provided.

(e) Regardless of height, open-sided floors, walkways, platforms, or runways above or adjacent to dangerous equipment, pickling or galvanizing tanks, degreasing units, and similar hazards, shall be guarded with a standard railing and toe board.

(f) Open sides of gardens, patios, recreation areas and similar areas located on roofs of buildings or structures shall be guarded by permanent standard railings or the equivalent. Where a planting area has been constructed adjacent to the open sides of the roof and the planting area is raised above the normal walking surface of the roof area, the open side of the planting area shall also be protected with standard railings or the equivalent.

(5) Stairway railings and guards.

(a) Every flight of stairs having four or more risers shall be equipped with standard stair railings or standard handrails as specified below, the width of the stair to be measured clear of all obstructions except handrails:

(i) On stairways less than 44 inches wide having both sides enclosed, at least one handrail, preferably on the right side descending;

(ii) On stairways less than 44 inches wide having one side open, at least one stair railing on the open side;

(iii) On stairways less than 44 inches wide having both sides open, one stair railing on each side;

(iv) On stairways more than 44 inches wide but less than 88 inches wide, one handrail on each enclosed side and one stair railing on each open side;

(v) On stairways 88 or more inches wide, one handrail on each enclosed side, one stair railing on each open side, and one intermediate stair railing located approximately midway of the width.

(b) Winding stairs shall be equipped with a handrail offset to prevent walking on all portions of the treads having width less than 6 inches.

(6) Standard specifications.

(a) A standard railing shall consist of top rail, intermediate rail, toe board, and posts, and shall have a vertical height of 36 inches to 42 inches from upper surface of top rail to floor, platform, runway, or ramp level. Each length of lumber shall be smooth-surfaced throughout the length of the railing. The intermediate rail shall be halfway between the top rail and the floor, platform, runway, or ramp. The ends of the rails shall not overhang the terminal posts except where such overhang does not constitute a projection hazard. Minimum requirements for standard railings under various types of construction are specified in the following items:

(i) For wood railings, the posts shall be of at least 2-inch by 4-inch stock spaced not to exceed 8 feet; the top rail shall be of at least 2-inch by 4-inch stock; the intermediate rail shall be of at least 1-inch by 6-inch stock.

(ii) For pipe railings, posts and top and intermediate railings shall be at least 1 1/2 inches nominal OD diameter with posts spaced not more than 8 feet on centers.

(iii) For structural steel railings, posts and top and intermediate rails shall be of 2-inch by 2-inch by 3/8-inch angles or other metal shapes of equivalent bending strength, with posts spaced not more than 8 feet on centers.

(iv) For wire rope railings, the top and intermediate railings shall be at least 1/2-inch fibre core rope, or the equivalent, with posts spaced not more than 8 feet on centers. The rope shall be stretched taut, so as to present a minimum deflection.

(v) The anchoring of posts and framing of members for railings of all types shall be of such construction that the completed structure shall be capable of withstanding a load of at least 200 pounds applied in any direction at any point on the top rail, with a minimum of deflection.

(vi) Railings receiving heavy stresses from employees trucking or handling materials shall be provided additional strength by the use of heavier stock, closer spacing of posts, bracing, or by other means.

(vii) Other types, sizes, and arrangements of railing construction are acceptable, provided they meet the following conditions:

(A) A smooth-surfaced top rail at a height above floor, platform, runway, or ramp level of between 36 inches and 42 inches;

(B) A strength to withstand at least the minimum requirement of 200 pounds top rail pressure with a minimum of deflection;

(C) Protection between top rail and floor, platform, runway, ramp, or stair treads, equivalent at least to that afforded by a standard intermediate rail;

(D) Elimination of overhang of rail ends unless such overhang does not constitute a hazard.

(b) A stair railing shall be of construction similar to a standard railing, but the vertical height shall be not more than 34 inches nor less than 30 inches from upper surface to top rail to surface of tread in line with face of riser at forward edge of tread.

(c) (i) A standard toe board shall be 4 inches minimum in vertical height from its top edge to the level of the floor, platform, runway, or ramp. It shall be securely fastened in place and have not more than 1/4-inch clearance above floor level. It may be made of any substantial material, either solid, or with openings not over 1 inch in greatest dimension.

(ii) Where material is piled to such height that a standard toe board does not provide protection, paneling, or screening from floor to intermediate rail or to top rail shall be provided.

(d) (i) A standard handrail shall be of construction similar to a standard railing except that it is mounted on a wall or partition, and does not include an intermediate rail. It shall have a smooth surface along the top and both sides of the handrail. The handrail shall have an adequate handhold for any one grasping it to avoid falling. Ends of the handrail shall be constructed so as not to constitute a projection hazard.

(ii) The height of handrails shall be not more than 34 inches nor less than 30 inches from upper surface of handrail to surface of tread, in line with face of riser or to surface of ramp.

(iii) All handrails and railings shall be provided with a clearance of approximately 3 inches between the handrail or railing and any other object.

(e) Floor opening covers shall be of any material that meets the following strength requirements:

(i) Conduits, trenches, and manhole covers and their supports, when located in roadways, and vehicular aisles shall be designed to carry a truck rear-axle load of at least 2 times the maximum intended load;

(ii) ~~((The floor opening cover shall be capable of supporting the maximum intended load and so installed as to prevent accidental displacement.))~~ All floor opening covers shall be capable of supporting the maximum potential load but never less than two hundred pounds (with a safety factor of four).

(A) The cover shall be recessed to conform to the level of the surrounding floor or to be flush with the perimeter of the opening.

(B) The cover shall be secured by fastening devices to prevent unintentional removal.

(C) If it becomes necessary to remove the cover, a monitor shall remain at the opening until the cover is replaced. The monitor shall advise persons entering the

area of the hazard, shall prevent exposure to the fall hazard and shall perform no other duties.

(f) Skylight openings that create a falling hazard shall be guarded with a standard railing, or covered in accordance with (e)(ii) of this subsection.

(g) Wall opening protection shall meet the following requirements:

(i) Barriers shall be of such construction and mounting that, when in place at the opening, the barrier is capable of withstanding a load of at least 200 pounds applied in any direction (except upward), with a minimum of deflection at any point on the top rail or corresponding member.

(ii) Screens shall be of such construction and mounting that they are capable of withstanding a load of at least 200 pounds applied horizontally at any point on the near side of the screen. They may be of solid construction, of grill work with openings not more than 8 inches long, or of slat work with openings not more than 4 inches wide with length unrestricted.

(7) Guarding of low-pitched roof perimeters during the performance of built-up roofing work.

(a) General provisions. During the performance of built-up roofing work on low-pitched roofs with a ground to eave height greater than 16 feet (4.9 meters), employees engaged in such work shall be protected from falling from all unprotected sides and edges of the roof as follows:

(i) By the use of a motion-stopping-safety system (MSS system); or

(ii) By the use of a warning line system erected and maintained as provided in subdivision (7)(c) of this section and supplemented for employees working between the warning line and the roof edge by the use of either an MSS system or, where mechanical equipment is not being used or stored, by the use of a safety monitoring system; or

(iii) By the use of a safety monitoring system on roofs 50 feet (15.25 meters) or less in width (see WAC 296-155-50501 Appendix—Roofs), where mechanical equipment is not being used or stored.

(b) Exception. The provisions of (7)(a) of this section do not apply at points of access such as stairways, ladders, and ramps, or when employees are on the roof only to inspect, investigate, or estimate roof level conditions. Roof edge materials handling areas and materials storage areas shall be guarded as provided in subdivision (7)(e) of this section.

(c) Warning lines.

(i) Warning lines shall be erected around all sides of the work area.

(A) When mechanical equipment is not being used, the warning line shall be erected not less than six feet (1.8 meters) from the roof edge;

(B) When mechanical equipment is being used, the warning line shall be erected not less than six feet (1.8 meters) from the roof edge which is parallel to the direction of mechanical equipment operation, and not less than 10 feet (3.1 meters) from the roof edge which is perpendicular to the direction of mechanical equipment operation.

(ii) The warning line shall consist of a rope, wire, or chain, and supporting stanchions erected as follows:

(A) The rope, wire, or chain shall be flagged at not more than six foot (1.8 meters) intervals with high-visibility material;

(B) The rope, wire, or chain shall be rigged and supported in such a way that its lowest point (including sag) is no less than 34 inches (.86 meters) from the roof surface and its highest point is no more than 39 inches (1 meter) from the roof surface;

(C) After being erected, with the rope, wire, or chain attached, stanchions shall be capable of resisting, without tipping over, a force of at least 16 pounds (71 Newtons) applied horizontally against the stanchion, 30 inches (0.76 meters) above the roof surface, perpendicular to the warning line, and in the direction of the roof edge;

(D) The rope, wire, or chain shall have a minimum tensile strength of 500 pounds (227 Kilograms), and after being attached to the stanchions, shall be capable of supporting, without breaking, the loads applied to the stanchions as prescribed in subitem (7)(c)(ii)(C) of this section; and

(E) The line shall be attached at each stanchion in such a way that pulling on one section of the line between stanchions will not result in slack being taken up in adjacent sections before the stanchion tips over.

(iii) Access paths shall be erected as follows:

(A) Points of access, materials handling areas and storage areas shall be connected to the work area by a clear access path formed by two warning lines.

(B) When the path to a point of access is not in use, a rope, wire, or chain, equal in strength and height to the warning line, shall be placed across the path at the point where the path intersects the warning line erected around the work area.

(d) Mechanical equipment. Mechanical equipment may be used or stored only in areas where employees are being protected by either a warning line or an MSS system. Mechanical equipment may not be used or stored between the warning line and the roof edge unless the employees are being protected by an MSS system. Mechanical equipment may not be used or stored where the only protection provided is by a safety monitoring system.

(e) Roof edge materials handling areas and materials storage. Employees working in a roof edge materials handling or materials storage area located on a low-pitched roof with a ground to eave height greater than 16 feet (4.9 meters) shall be protected from falling by the use of an MSS system along all unprotected roof sides and edges of the area.

(i) When guardrails are used at hoisting areas, a minimum of four feet of guardrail shall be erected on each side of the access point through which materials are hoisted.

(ii) A chain or gate shall be placed across the opening between the guardrail sections when hoisting operations are not taking place.

(iii) When guardrails are used at bitumen pipe outlets, a minimum of four feet of guardrail shall be erected on each side of the pipe.

(iv) When safety belt systems are used, they shall not be attached to the hoist.

(v) When safety belt systems are used, they shall be rigged to allow the movement of employees only as far as the roof edge.

(vi) Materials may not be stored within six feet of the roof edge unless guardrails are erected at the roof edge.

(vii) Materials which are piled, grouped, or stacked shall be stable and self-supporting.

(f) Training.

(i) The employer shall provide a training program for all employees engaged in built-up roofing work so that they are able to recognize and deal with the hazards of falling associated with working near a roof perimeter. The employees shall also be trained in the safety procedures to be followed in order to prevent such falls.

(ii) The employer shall assure that employees engaged in built-up roofing work have been trained and instructed in the following areas:

(A) The nature of fall hazards in the work area near a roof edge;

(B) The function, use, and operation of the MSS system, warning line, and safety monitoring systems to be used;

(C) The correct procedures for erecting, maintaining, and disassembling the systems to be used;

(D) The role of each employee in the safety monitoring system when this system is used;

(E) The limitations on the use of mechanical equipment; and

(F) The correct procedures for the handling and storage of equipment and materials.

(iii) Training shall be provided for each newly hired employee, and for all other employees as necessary, to assure that employees maintain proficiency in the areas listed in item (7)(f)(ii) of this section.

NEW SECTION

✓ WAC 296-155-50503 ROOFING BRACKETS.

(1) Roofing brackets shall be constructed to fit the pitch of the roof.

(2) Securing: Brackets shall be secured in place by nailing in addition to the pointed metal projections. When it is impractical to nail brackets, rope supports shall be used. When rope supports are used, they shall consist of first-grade manila of at least 3/4-inch diameter, or equivalent.

(3) Catch platform:

(a) A catch platform shall be installed below the working area of roofs more than sixteen feet from the ground to eaves with a slope greater than four inches in twelve inches without a parapet.

(b) In width, the platform shall extend two feet beyond the projection of the eaves and shall be provided with a guardrail, midrail, and toeboard.

(c) This provision shall not apply where employees engaged in work upon such roofs are protected by a safety belt attached to a lifeline.

(4) Crawling boards or chicken ladders.

(a) Crawling boards shall be not less than ten inches wide and one inch thick, having cleats 1 x 1 1/2 inches.

(i) The cleats shall be equal in length to the width of the board and spaced at equal intervals not to exceed twenty-four inches.

(ii) Nails shall be driven through and clinched on the underside.

(iii) The crawling board shall extend from the ridge pole to the eaves when used in connection with roof construction, repair, or maintenance.

(b) A firmly fastened lifeline of at least 3/4-inch diameter rope, or equivalent, shall be strung beside each crawling board for a handhold.

(c) Crawling boards shall be secured to the roof by means of adequate ridge hooks or other effective means.

NEW SECTION

✓ WAC 296-155-50505 ROOFING, INSULATING AND WATERPROOFING. (1) Hoisting jack construction. Roofers hoisting jack shall be constructed to withstand the contemplated load to be hoisted. The beam from counter balance point to heel of jack shall be at least 3/4 the length of the entire beam.

(2) Counterweight. Hoisting jack shall be counterweighted with a minimum of three times the contemplated maximum load to be lifted. Counterweight shall be securely fastened to heel of jack to prevent displacement, or the jack shall be fastened by means of lashing, bolting, or other means to prevent displacement.

(3) Pulley attachment. A steel collar or U-bolt and shackle on head of the hoisting jack shall be provided for attachment of the pulley.

(4) Pulley construction. Hoisting pulleys shall be of steel construction.

(5) Hoisting line specifications. Where materials are hoisted by hand the hoist line shall be not less than five-eighths (5/8) manila rope, or the equivalent. Where machine hoist is used the hoist line shall be wire rope.

(6) Hook construction. Hoisting hooks shall be of cast or forged steel heavy enough to prevent straightening under a load.

(7) Worker clearance. Workers shall not stand under the load.

(8) Hot buckets. Hot asphalt shall be kept at a safe level in buckets for carrying and hoisting.

(9) Ladders. Service buckets of hot asphalt shall not be carried up ladders by workers.

(10) Service bucket specifications. Service buckets shall be standard safety bucket or flatbottom bucket with bails fastened to an offset ear firmly riveted to side of bucket. There shall be a handle riveted near bottom of bucket for tipping purposes.

(11) Ladder extensions. Ladders shall extend at least three feet above the platform or roof served and shall be secured at top and bottom to prevent slipping.

(12) Safeguards for power lines. Safeguards shall be erected to prevent loads and lines contacting power lines where it is not possible to work at least 10 feet from the power lines.

(13) Asphalt cakes. Whole asphalt cakes shall be broken in chunks before being placed in hot tar pot. To eliminate the potential hazard of moisture being trapped in the cake and also prevent the splashing of hot material.

(14) Fire smothering. There shall be means to smother fires at fired tar pots.

(15) Mop handles. Mop or spud bar handles over three feet long shall be of wood or other nonconductive material.

(16) Protective clothing. Persons working at kettles or handling hot tar shall wear gloves and have arms fully protected by material capable of preventing burns.

(17) Tar pots. Open tar heating pots shall be kept outside of buildings.

(18) Tar pot procedures. Electric tar heating equipment may be used inside of the working enclosure provided that:

(a) Exhaust fans in connection with tubing capable of carrying fumes created by the heating process to the outside are installed and in constant use during heating operations.

(b) The equipment shall be provided with a hinged lid or baffle plate for the purpose of immediately smothering a pot fire.

(19) Ventilation. While hot tar is being applied inside an enclosure, exhaust fans to supplement natural ventilation shall be installed to expedite removal of gaseous fumes from the building.

(20) Prohibited locations. Flame heated tar pots shall be prohibited on roofs of structures.

(21) Tar pot controls. Tar pots shall be equipped with automatic controls or have an attendant at all times while in operation.

(22) Guarding roof perimeters. The perimeter of all roofs shall be guarded as defined by WAC 296-155-505.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-510 STAIRWAYS. (1) (~~On all structures, two or more floors in height, stairways, ladders, or ramps shall be provided for employees during the construction period.~~) General.

(a) In all buildings or structures two or more stories or twenty-four feet or more in height or depth, suitable permanent or temporary stairways shall be installed.

EXCEPTIONS:

At those locations where unusual site conditions prevail, an alternate effective means of access acceptable to the division may be afforded.

(b) For the purpose of this section, scaffolds shall not be considered to be structures. Stairways shall be at least twenty-four inches in width and shall be equipped with handrails, treads and landings. Temporary stairs shall have a landing not less than thirty inches wide in the direction of travel at each floor, or level, but never less than one landing for every twelve feet of vertical rise.

EXCEPTIONS:

Stairways forty-four inches or less in width may have one handrail, except that stairways open on one or both sides shall have handrails provided on the open side or sides.

Prefabricated metal scaffold stairway systems.

(c) Stairways, ramps or ladders shall be provided at all points where a break in elevation of eighteen inches

or more occurs in a frequently traveled passageway, entry or exit.

(d) A minimum of one stairway shall be provided for access and exit for buildings and structures to three stories or thirty-six feet; if more than three stories or thirty-six feet, two or more stairways shall be provided. Where two stairways are provided and work is being performed in the stairways, one shall be maintained clear for access between levels at all times.

NOTE: For stairway access at demolition projects, refer to WAC 296-155-775 through 296-155-830.

EXCEPTIONS:

At those locations where unusual site conditions prevail, an alternate effective means of access acceptable to the division may be afforded.

For the purpose of this section, scaffolds shall not be considered to be structures.

(e) Stairways shall conform to the criteria shown in Figure K-1.

(f) Wood frame buildings.

(i) The stairway to a second or higher floor shall be completed before studs are raised to support the next higher floor.

(ii) Roof and attic work areas of all buildings shall be provided with a safe means of access and egress, such as stairways, ramps or ladders.

(iii) Cleats shall not be nailed to studs to provide access to and egress from roof or other work areas.

(g) Steel frame buildings. Stairways shall extend to the uppermost floor that has been planked or decked. Ladders may be used above that point.

(h) Reinforced concrete or composite steel—Concrete buildings. Stairways shall extend to the lowermost floor upon which a complete vertical shoring system is in place. A minimum of two ladders at different locations for each floor may be used above this floor but not to exceed three floors.

(2) Stairway railing and guardrails shall meet the requirements of WAC 296-155-505 (5) and (6).

(3) All parts of stairways shall be free of hazardous projections, such as protruding nails.

(4) Debris, and other loose materials, shall not be allowed on or under stairways.

(5) Slippery conditions on stairways shall be eliminated as soon as possible after they occur.

(6) Permanent steel or other metal stairways, and landings with hollow pan-type treads that are to be filled with concrete or other materials, when used during construction, shall be filled to the level of the nosing with solid material. The requirement shall not apply during the period of actual construction of the stairways themselves.

(7) Wooden treads for temporary service shall be full width.

(8) Metal landings shall be secured in place before filling.

(9) Temporary stairs shall have a landing not less than 30 inches in the direction of travel at every 12 feet of vertical rise.

(10) Stairs shall be installed at angles to the horizontal of between 30° and 50°.

(11) Rise height and tread width shall be uniform throughout any flight of stairs including any foundation structure used as one or more treads of the stairs.

(12) All stairs shall be lighted in accordance with Part B of this chapter.

(13) Spiral stairways shall not be permitted except for special limited usage and secondary access situations where it is not practical to provide a conventional stairway.

(14) Employers are permitted to use alternating tread type stairs as long as they install, use, and maintain the stairs in accordance with manufacturers' recommendations and the following:

(a) The stair must be installed at an angle of seventy degrees or less.

(b) The stair must be capable of withstanding a minimum uniform load of one hundred pounds per square foot with a design factor of 1.7, and the treads must be capable of carrying a minimum concentrated load of three hundred pounds at the center of any treadspan or exterior arc with a design factor of 1.7. If the stair is intended for greater loading, construction must allow for that loading.

(c) The stair must be equipped with a handrail on each side to assist the user in climbing or descending.

(15) Due to space limitations, when a permanent stairway must be installed at an angle above fifty degrees, such an installation (commonly called an inclined or ship's ladder) shall have treads, open risers and handrails on both sides.

(16) Where ladders are permitted for access under subsection (1) of this section, means shall be provided for employee hoisting of tools and material, such as a well wheel and hoisting line or the equivalent, so employees will have both hands free for ascending and descending ladders.

NEW SECTION

✓ WAC 296-155-515 RAMPS, RUNWAYS, AND INCLINED WALKWAYS. (1) Width. Ramps, runways and inclined walkways shall be eighteen inches or more wide.

(2) Standard railings. Ramps, runways and inclined walkways shall be provided with standard railings when located four feet or more above ground or floor level.

(3) Ramp specifications. Ramps, runways and walkways shall not be inclined more than twenty degrees from horizontal and when inclined shall be cleated or otherwise treated to prevent a slipping hazard on the walking surface.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

✓ WAC 296-155-530 MATERIAL HOISTS, PERSONNEL HOISTS, AND ELEVATORS. (1) General requirements. (a) The employer shall comply with the manufacturer's specifications and limitations applicable to the operation of all hoists and elevators. Where the manufacturer's specifications are not available, the limitations assigned to the equipment shall

be based on the determinations of a professional engineer competent in the field.

(b) Rated load capacities, recommended operating speeds, and special hazard warning or instructions shall be posted on cars and platforms.

(c) Wire rope shall be removed from service when any of the following conditions exists:

(i) In hoisting ropes, six randomly distributed broken wires in one rope lay or three broken wires in one strand in one rope lay;

(ii) Abrasion, scrubbing, flattening, or peening, causing loss of more than one-third of the original diameter of the outside wires;

(iii) Evidence of any heat damage resulting from a torch or any damage caused by contact with electrical wires;

(iv) Reduction from nominal diameter of more than three sixty-fourths inch for diameters up to and including three-fourths inch; one-sixteenth inch for diameters seven-eighths to 1 1/8 inches; and three thirty-seconds inch for diameters 1 1/4 to 1 1/2 inches.

(d) Hoisting ropes shall be installed in accordance with the wire rope manufacturer's recommendations.

(e) The installation of live booms on hoists is prohibited.

(f) The use of endless belt-type man lifts on construction shall be prohibited.

(g) Employees shall not be permitted to ride on top of material hoists, personnel hoists or permanent elevators except for purposes of inspection, maintenance, elevator installation or dismantling work.

(2) Material hoists, (a) (i) Operating rules shall be established and posted at the operator's station of the hoist. Such rules shall include signal system and allowable line speed for various loads. Rules and notices shall be posted on the car frame or crosshead in a conspicuous location, including the statement "No riders allowed."

(ii) No person shall be allowed to ride on material hoists except for the purposes of inspection and maintenance.

(b) All entrances of the hoistways shall be protected by substantial gates or bars which shall guard the full width of the landing entrance. All hoistway entrance bars and gates shall be painted with diagonal contrasting colors, such as black and yellow stripes.

(i) Bars shall be not less than 2- by 4-inch wooden bars or the equivalent, located 2 feet from the hoistway line. Bars shall be located not less than 36 inches nor more than 42 inches above the floor.

(ii) Gates or bars protecting the entrances to hoistway shall be quipped with a latching device.

(c) Overhead protective covering of two-inch planking, 3/4-inch plywood or other solid material of equivalent strength shall be provided on the top of every material hoist cage or platform to prevent objects falling on the workers loading or unloading the hoist.

(i) The protective covering on the top of the cage or platform may be made in hinged sections that may be raised when hoisting long material.

(ii) When using a cage or platform for long material, the several pieces of the material shall be securely

fastened together and made fast to the cage or platform, so that no part of the load can fall or project beyond the sides of the cage or platform.

(d) The operator's station of a hoisting machine shall be provided with overhead protection equivalent to tight planking not less than 2 inches thick. The support for the overhead protection shall be of equal strength.

(e) Hoist towers may be used with or without an enclosure on all sides. However, whichever alternative is chosen, the following applicable conditions shall be met:

(i) When a hoist tower is enclosed, it shall be enclosed on all sides for its entire height with a screen enclosure of 1/2-inch mesh, No. 18 U.S. gauge wire or equivalent, except for landing access.

(ii) When a hoist tower is not enclosed, the hoist platform or car shall be totally enclosed (caged) on all sides for the full height between the floor and the overhead protective covering with 1/2-inch mesh of No. 14 U.S. gauge wire or equivalent. The hoist platform enclosure shall include the required gates for loading and unloading. A 6-foot high enclosure shall be provided on the unused sides of the hoist tower at ground level.

(f) Car arresting devices shall be installed to function in case of rope failure.

(g) All material hoist towers shall be designed by a licensed professional engineer.

(h) All material hoists shall conform to the requirements of ANSI A10.5-1969, Safety Requirements for Material Hoists.

(3) Personnel hoists.

(a) Personnel hoists shall be provided for access and egress on all multi story buildings where vertical travel exceeds sixty feet from a ground level access point.

(b) Hoist towers outside the structure shall be enclosed for the full height on the side or sides used for entrance and exit to the structure. At the lowest landing, the enclosure on the sides not used for exit or entrance to the structure shall be enclosed to a height of at least 10 feet. Other sides of the tower adjacent to floors or scaffold platforms shall be enclosed to a height of 10 feet above the level of such floors or scaffolds.

((††)) (c) Towers inside of structures shall be enclosed on all four sides throughout the full height.

((††)) (d) Towers shall be anchored to the structure at intervals not exceeding 25 feet. In addition to tie-ins, a series of guys shall be installed. Where tie-ins are not practical the tower shall be anchored by means of guys made of wire rope at least one-half inch in diameter, securely fastened to anchorages to ensure stability.

((††)) (e) Hoistway doors or gates shall be not less than 6 feet 6 inches high and shall be provided with mechanical locks which cannot be operated from the landing side, and shall be accessible only to persons on the car.

((††)) (f) Cars shall be permanently enclosed on all sides and the top, except sides used for entrance and exit, which have car gates or doors.

((††)) (g) A door or gate shall be provided at each entrance to the car which shall protect the full width and height of the car entrance opening.

((††)) (h) Overhead protective covering of 2-inch planking, 3/4-inch plywood or other solid material of

equivalent strength shall be provided on the top of every personnel hoist.

((††)) (i) Doors or gates shall be provided with electric contacts which do not allow movement of the hoist when door or gate is open.

((††)) (j) A signal device shall be installed in the elevator car and only operated by an attendant who shall give the signals for operation, when transporting workers.

((††)) (k) An electrical push button signalling device or other approved signalling system shall be provided at each floor landing connected to an annunciator in the car. The signal code shall be posted adjacent to the signal device at each and every work level and at operator's work level. All wording shall be black on a white card, in large clear letters.

((††)) (l) The elevator machine and controls shall be housed in as a protection against accidents and the weather, and the door kept locked against unauthorized entrance when operator is not in attendance.

((††)) (m) Safeties shall be capable of stopping and holding the car and rated load when traveling at governor tripping speed.

((††)) (n) Cars shall be provided with a capacity and data plate secured in a conspicuous place on the car or crosshead.

((††)) (o) Internal combustion engines shall not be permitted for direct drive.

((††)) (p) Normal and final terminal stopping devices shall be provided.

((††)) (q) An emergency stop switch shall be provided in the car and marked "stop."

((††)) (r) Ropes: (i) The minimum number of hoisting ropes used shall be three for traction hoists and two for drum-type hoists.

(ii) The minimum diameter of hoisting and counterweight wire ropes shall be 1/2-inch .

(iii) Safety factors:

MINIMUM FACTORS OF SAFETY
FOR SUSPENSION WIRE ROPES

Rope speed in feet per minute:	Minimum factor of safety
50	7.60
75	7.75
100	7.95
125	8.10
150	8.25
175	8.40
200	8.60
225	8.75
250	8.90
300	9.20
350	9.50
400	9.75
450	10.00
500	10.25
550	10.45
600	10.70

~~((t))~~ (s) Following assembly and erection of hoists, and before being put in service, an inspection and test of all functions and safety devices shall be made under the supervision of a competent person. A similar inspection and test is required following major alteration of an existing installation. All hoists shall be inspected and tested at not more than 3-month intervals. Records shall be maintained and kept on file for the duration of the job.

~~((s))~~ (t) All personnel hoists used by employees shall be constructed of materials and components which meet the specifications for materials, construction, safety devices, assembly, and structural integrity as stated in the American National Standard A10.4-1963, Safety Requirements for Workmen's Hoists. The requirements of this subdivision do not apply to cantilever type personnel hoists.

~~((t))~~ (u) Wire rope shall be taken out of service when any of the following conditions exist:

(i) In running ropes, six randomly distributed broken wires in one lay or three broken wires in one strand in one lay;

(ii) Wear of one-third the original diameter of outside individual wires. Kinking, crushing, bird caging, or any other damage resulting in distortion of the rope structure;

(iii) Evidence of any heat damage from any cause;

(iv) Reductions from nominal diameter of more than three-sixty-fourths inch for diameters to and including three-fourths inch, one sixteenth inch for diameter seven-eighths inch to 1 1/8 inches inclusive, three-thirty-seconds inch for diameters 1 1/4 to 1 1/2 inches inclusive;

(v) In standing ropes, more than two broken wires in one lay in sections beyond end connections or more than one broken wire at an end connection.

~~((t))~~ (v)(i) Personnel hoists used in bridge tower construction shall be approved by a registered professional engineer and erected under the supervision of a qualified engineer competent in this field.

(ii) When a hoist tower is not enclosed, the hoist platform or car shall be totally enclosed (caged) on all sides for the full height between the floor and the overhead protective covering with 3/4-inch mesh of No. 14 U.S. gauge wire or equivalent. The hoist platform enclosure shall include the required gates for loading and unloading.

(iii) These hoists shall be inspected and maintained on a weekly basis. Whenever the hoisting equipment is exposed to winds exceeding 35 miles per hour it shall be inspected and put in operable condition before reuse.

(4) Permanent elevators under the care and custody of the employer and used by employees for work covered by this act shall comply with the requirements of American National Standards Institute, A17.1-1971, and inspected in accordance with A17.2-1960 with addenda A17.2a-1965, A17.2b-1967.

NOTE: For additional information refer to chapter 296-90 WAC, safety requirements for cantilever hoists and chapter 296-100 WAC, safety requirements for material hoists.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

✓ WAC 296-155-545 CONVEYORS. (1) ~~((General requirements. (a) Means for stopping the motor or engine shall be provided at the operator's station. Conveyor systems shall be equipped with an audible warning signal to be sounded immediately before starting up the conveyor.~~

~~(b) If the operator's station is at a remote point, similar provisions for stopping the motor or engine shall be provided at the motor or engine location.~~

~~(c) Emergency stop switches shall be arranged so that the conveyor cannot be started again until the actuating stop switch has been reset to running or "on" position.~~

~~(d) Screw conveyors shall be guarded to prevent employee contact with turning flights.~~

~~(e) Where a conveyor passes over work areas, aisles, or thoroughfares, suitable guards shall be provided to protect employees required to work below the conveyors.~~

~~(f) All crossovers, aisles, and passageways shall be conspicuously marked by suitable signs, as required by Part E of this Chapter.~~

~~(g) Conveyors shall be locked out or otherwise rendered inoperable, and tagged out with a "do not operate" tag, during repairs and when operation is hazardous to employees performing maintenance work.~~

~~(h) All conveyors in use shall meet the applicable requirements for design, construction, inspection, testing, maintenance, and operation, as prescribed in the ANSI B20.1-1957, Safety Code for Conveyors, Cableways, and Related Equipment.) All conveyors in use shall meet the applicable requirements for design, construction, inspection, testing, maintenance, and operation, as prescribed in ANSI B20.1-1976, Safety Code for Conveyors, Cableways, and Related Equipment.~~

(2) Starting precautions.

(a) When the entire length of a conveyor is visible from the starting switch, the operator shall visually check to make certain that all persons are in the clear before starting the conveyor.

(b) When the entire length of the conveyor is not visible from the starting switch, a positive audible or visible warning system shall be installed and operated to warn persons that the conveyor will be started.

(c) All reasonable precautions shall be taken by the operator prior to starting a conveyor, to assure that no person is in a hazardous location where he may be injured when the conveyor is started.

(3) Riding and walking on conveyors.

(a) Riding on conveyor chains, belt, or bucket elevators shall be prohibited.

(b) Persons shall not be allowed to walk on conveyors except for emergency purposes and then only after the conveyor has been de-energized and the person can do so safely.

(c) Riding of conveyors shall only be permitted on the manlift steps and platforms with handholds attached and other safety factors as specified in chapter 296-82 WAC, Safety standards for existing belt manlifts.

(4) Stop controls.

(a) Means for stopping the motor or engine of a conveyor shall be provided at the operator's station.

(b) If the operator's station is at a remote point, similar provisions for stopping the motor or engine shall be provided at the motor or engine location.

(5) Emergency controls. Emergency stop switches shall be arranged so that the conveyor cannot be started again until the actuating stop switch has been reset to running or "on" position.

(6) Screw type conveyors. Screw or auger type conveyors shall be guarded to prevent employee contact with turning flights.

(7) Overhead conveyors.

(a) Where a conveyor passes over work areas, aisles, or thoroughfares, guards shall be provided to protect persons required to work below the conveyors.

(b) Where a conveyor crosses over an aisle or passageway, it shall be conspicuously marked by suitable signs, as required by Part E of this chapter.

(c) When the return strand of a conveyor operates within seven feet of the floor there shall be a trough provided of sufficient strength to carry the weight resulting from a broken chain. If the strands are over a passageway, a means shall be provided to catch and support the ends of the chain in the event of a break.

(8) Emergency stop.

(a) Conveyors shall be provided with an emergency stopping device (panic-type) which can be reached from the conveyor.

(b) The emergency stopping device shall be located near the material entrance and shall stop the conveyor a sufficient distance away from the hazard to prevent injury.

(c) Where the conveyor leading into such equipment is under constant control of an operator who has full view of the material entrance who is located or restrained where he cannot possibly fall onto the conveyor an emergency stopping device is not mandatory.

(9) Conveyor lockout.

(a) Conveyors shall be locked out with a padlock at any time repair, maintenance, or clean-up work is being performed on the conveyor.

(b) Tags or push-button stops are not acceptable.

(10) Where conveyors are in excess of seven feet in height, means shall be provided to safely permit essential inspection and maintenance operations.

(11) Conveyor repair.

(a) Any part showing signs of significant wear shall be inspected carefully and replaced prior to reaching a condition where it may create a hazard.

(b) Replacement parts shall be equal to or exceed the manufacturer's specifications.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

✓ WAC 296-155-570 RIGGING—WIRE ROPE.

(1) Whenever used in connection with work, employment, occupations or uses to which these standards are applicable, wire rope shall not be subjected to loads in excess of one-fifth the breaking load as given in the schedule of the cable manufacturer.

(2) Any wire rope showing 10% of its wires broken in a three foot length shall not be used. When cables deteriorate through rusting, wear, undue strain or other conditions to the extent of 15% of their original strength, use of cable shall be discontinued.

(3) Wire rope shall be frequently inspected for wear and other defects which may reduce the strength below the point of safe operation.

(4) If wire rope is received in a coil it shall be rolled out, on a surface free from grit, like a hoop and straightened out before being put on the sheaves. If it is received on a reel, the reel shall be mounted on a spindle or turntable and the rope then unwound.

(5) Wire rope shall be lubricated. A lubricant recommended by a wire rope manufacturer shall be used.

(6) Wire rope shall be securely fastened to drums by zinc plugs or suitable clamps, and at least two full turns of the rope shall remain on the winding drum.

(7) Wire rope shall be wound evenly on the drum and not allowed to lap one layer on another in an irregular fashion.

(8) Care shall be taken to prevent friction of wire ropes with other objects which could cause chafing or breaking of wires.

(9) In attaching U-type cable clamps, the U shall always be placed over the short end of the cable.

(10) The clamp nuts shall be tightened up frequently during the operation to prevent slipping.

(11) Thimbles shall be used in cable eyes whenever practicable.

(12) Fair leads shall be used ahead of cable drums, whenever practicable, and the fleet angle kept as flat as possible to promote proper spooling.

(13) All running lines of hoisting equipment, located within seven (7) feet of the ground or working level shall be boxed, railed off or otherwise guarded, or the operating area restricted.

(14) Wire rope which has been welded or been subject to welding of any kind shall not be used.

(15) No open hook shall be used to hoist a bucket, cage, spreader, or skip, nor in any circumstances where the dislodgement of the hook could cause a risk of injury to workers. A safety-hook, mousing, or shackle shall be employed in such circumstances.

(16) When shackles are used, shackle pins shall be secured to prevent accidental withdrawal.

(17) Where a wedge socket connector is used as a wire rope terminal, a single ~~((cable))~~ wire rope clip shall be installed ~~((to secure the dead end of the rope to the main part of the rope. The clip shall be installed in accordance with WAC 296-155-330 (3)(g)))~~ in accordance with WAC 296-155-330 (3)(g). - 525

(18) The wire rope shall not be burned off with heat. This may weld the ends of the wires and strands together. (a) .

AMENDATORY SECTION (Amending Order 76-28, filed 9/28/76)

✓ WAC 296-155-575 HELICOPTERS AND HELICOPTER CRANES. (1) Helicopter regulations. Helicopter cranes shall be expected to comply with any

applicable regulations of the Federal Aviation Administration.

(2) Briefing. Prior to each day's operation a briefing shall be conducted. This briefing shall set forth the plan of operation for the pilot and ground personnel.

(3) Slings and tag lines. Load shall be properly slung. Tag lines shall be of a length that will not permit their being drawn up into rotors. Pressed sleeve, swedged eyes, or equivalent means shall be used for all freely suspended loads to prevent hand splices from spinning open or cable clamps from loosening.

(4) Cargo hooks. All electrically operated cargo hooks shall have the electrical activating device so designed and installed as to prevent inadvertent operation. In addition, these cargo hooks shall be equipped with an emergency mechanical control for releasing the load. The hooks shall be tested prior to each day's operation to determine that the release functions properly, both electrically and mechanically.

(5) Personal protective equipment. (a) Personal protective equipment for employees receiving the load shall consist of complete eye protection and hard hats secured by chinstraps.

(b) Loose-fitting clothing likely to flap in the downwash, and thus be snagged on hoist line, shall not be worn.

(6) Loose gear and objects. Every practical precaution shall be taken to provide for the protection of the employees from flying objects in the rotor downwash. All loose gear within 100 feet of the place of lifting the load, depositing the load, and all other areas susceptible to rotor downwash shall be secured or removed.

(7) Housekeeping. Good housekeeping shall be maintained in all helicopter loading and unloading areas.

(8) Operator responsibility. The helicopter operator shall be responsible for size, weight, and manner in which loads are connected to the helicopter. If, for any reason, the helicopter operator believes the lift cannot be made safely, the lift shall not be made.

(9) Hooking and unhooking loads. Employees shall not perform work under hovering craft except for that limited period of time necessary to guide, secure and unhook loads, or to hook loads. Regardless of whether the hooking or unhooking of a load takes place on the ground or a flat roof, or other location in an elevated work position in structural members, a safe means of access and egress, to include an unprogrammed emergency escape route or routes, shall be provided for the employees who are hooking or unhooking loads.

(10) Static charge. Static charge on the suspended load shall be dissipated with a grounding device before ground personnel touch the suspended load, or protective rubber gloves shall be worn by all ground personnel touching the suspended load.

(11) Weight limitation. The weight of an external load shall not exceed the manufacturer's rating.

(12) Ground lines. Hoist wires or other gear, except for pulling lines or conductors that are allowed to "pay out" from a container or roll off a reel, shall not be attached to any fixed ground structure, or allowed to foul on any fixed structure.

(13) Visibility. When visibility is reduced by dust or other conditions, ground personnel shall exercise special caution to keep clear of main and stabilizing rotors. Precautions shall also be taken by the employer to eliminate as far as practical reduced visibility.

(14) signal Systems. Signal systems between aircrew and ground personnel shall be understood and checked in advance of hoisting the load. This applies to either radio or hand signal systems. Hand signals shall be as shown in Figure L-1.

(15) Approach distance. No unauthorized person shall be allowed to approach within 50 feet of the helicopter when the rotor blades are turning.

(16) Approaching helicopter. Whenever approaching or leaving a helicopter with blades rotating, all employees shall remain in full view of the pilot and keep in a crouched position. Employees shall avoid the area from the cockpit or cabin rearward unless authorized by the helicopter operator to work there.

(17) Personnel. Sufficient ground personnel shall be provided when required for safe helicopter loading and unloading operations.

(18) Communications. There shall be constant reliable communication between the pilot, and a designated employee of the ground crew who acts as a signalman during the period of loading and unloading. This signalman shall be distinctly recognizable from other ground personnel.

(19) Fires. Open fires shall not be permitted in an area that could result in such fires being spread by the rotor downwash.

(20) Refueling operations.

(a) Under no circumstances shall the refueling of any type helicopter with either aviation gasoline or Jet B (turbine-kerosene) type fuel be permitted while the engines are running.

(b) No unauthorized persons shall be allowed within fifty feet of the refueling operation or fueling equipment.

(c) A minimum of one thirty-pound fire extinguisher, or a combination of same, good for class A, B and C fires, shall be provided within one hundred feet on the upwind side of the refueling operation.

(d) All fueling personnel shall be thoroughly trained in the refueling operation and in the use of available fire extinguishing equipment.

(e) There shall be no smoking, open flames, exposed flame heaters, flare pots or open flame lights for spark producing agents within fifty feet of the refueling area or fueling equipment. All entrances to the refueling area shall be posted with "NO SMOKING" signs.

(f) Due to the numerous causes of static electricity, it should be considered present at all times. Prior to starting refueling operations, the fueling equipment and the helicopter shall be grounded and the fueling nozzle shall be electrically bonded to the helicopter.

(i) Conductive hose shall not be used to accomplish the bonding.

(ii) All grounding and bonding connections shall be electrically and mechanically firm, to clean unpainted metal parts.

(g) To control spills:

(i) Fuel shall be pumped either by hand or power.

(ii) Pouring or gravity flow shall not be permitted.

(iii) Selfclosing nozzles shall not be dragged on the ground.

(h) In case of a spill, the fueling operation shall be immediately stopped until such time as the person in charge determines that it is safe to resume the refueling operation.

(i) When ambient temperatures have been in the one hundred degree F. range for an extended period of time, all refueling of helicopters with the engines running shall be suspended until such time as conditions become suitable to resume refueling with the engines running.

(21) Hook on persons shall wear contrasting colored hard hats, with chinstraps, and high visibility vests or outer garments to enable the helicopter operator to readily identify their locations.

(22) Riding the load or hook of a helicopter is prohibited except in the case of emergency and then only with the proper safety gear.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

✓WAC 296-155-580 AERIAL LIFTS. (1) General requirements. (a) Unless otherwise provided in this section, aerial lifts acquired for use on or after the effective date of this section shall be designed and constructed in conformance with the applicable requirements of the American National Standard for "Vehicle Mounted Elevating and Rotating Work Platforms," ANSI ((A92.2-1969)) A92.2-1979, including appendix. Aerial lifts acquired before the effective date of this section, which do not meet the requirements of ANSI ((A92.2-1969)) A92.2-1979, may not be used after January 1, 1976, unless they shall have been modified so as to conform with the applicable design and construction requirements of ANSI A92.2-1969. Aerial lifts include the following types of vehicle-mounted aerial devices used to elevate personnel to jobsites above ground: (i) Extensible boom platforms; (ii) aerial ladders, (iii) articulating boom platforms, (iv) vertical towers, and (v) a combination of any of the above. Aerial equipment may be made of metal, wood, fiberglass reinforced plastic (FRP), or other material; may be powered or manually operated; and are deemed to be aerial lifts whether or not they are capable of rotating about a substantially vertical axis.

(b) Aerial lifts may be "field modified" for uses other than those intended by the manufacturer provided the modification has been certified in writing by the manufacturer or by any other equivalent entity, such as a nationally recognized testing laboratory, to be in conformity with all applicable provisions of ANSI A92.2-1969 and this section and to be at least as safe as the equipment was before modification.

(c) Annual inspections. An annual inspection, including nondestructive testing of the stress points such as base and cylinder attachment points, shall be conducted.

(i) The tests shall be conducted by a certified testing laboratory or agency recognized by the department.

(ii) The employer shall maintain a permanent record of the results of such inspections for each aerial personnel boom and ladder vehicle. Such records shall be available at the work site.

(2) Specific requirements. (a) Ladder trucks and tower trucks. Aerial ladders shall be secured in the lower traveling position by a locking device on top of the truck cab or truck framework, and the manually operated device at the base of the ladder before the truck is moved for highway travel.

(b) Extensible and articulating boom platforms. (i) Lift controls shall be tested each day prior to use to determine the such controls are in safe working condition.

(ii) Only authorized persons shall operate an aerial lift.

(iii) Belting off to an adjacent pole, structure, or equipment while working from an aerial lift shall not be permitted.

(iv) Employees shall always stand firmly on the floor of the basket, and shall not sit or climb on the edge of the basket or use planks, ladders, or other devices for a work position.

(v) A body belt shall be worn and a lanyard attached to the boom or basket when working from an aerial lift.

(vi) Boom and basket load limits specified by the manufacturer shall not be exceeded.

(vii) The brakes shall be set and when outriggers are used, they shall be positioned on pads or a solid surface. Wheel chocks shall be installed before using an aerial lift on an incline, provided they can be safely installed.

(viii) An aerial lift truck shall not be moved when the boom is elevated in a working position with persons in the basket, except for equipment which is specifically designed for this type of operation in accordance with the provisions of subdivisions (a) and (b) of subsection (1) of this section.

(ix) Articulating boom and extensible boom platforms, primarily designed as personnel carriers, shall have both platform (upper) and lower controls. Upper controls shall be in or beside the platform within easy reach of the operator. Lower controls shall provide for over-riding the upper controls. Controls shall be plainly marked as to their function. Lower level controls shall not be operated unless permission has been obtained from the employee in the lift, except in case of emergency.

(x) Climbers shall not be worn while performing work from an aerial lift.

(xi) The insulated portion of an aerial lift shall not be altered in any manner that might reduce its insulating value.

(xii) Before moving an aerial lift for travel, the boom(s) shall be inspected to see that it is properly cradled and outriggers are in stowed position except as provided in item (viii) of this subdivision.

(c) Electrical tests. All electrical tests shall conform to the requirements of ANSI A92.2-1969 section 5. However, equivalent d.c. voltage tests may be used in lieu of the a.c. voltage specified in A92.2-1969; d.c. voltage tests which are approved by the equipment manufacturer or equivalent entity shall be considered an equivalent test for the purpose of this subdivision.

(d) Bursting safety factor. The provisions of the American National Standards Institute standard ANSI A92.2-1969, section 4.9 Bursting Safety Factor shall

apply to all critical hydraulic and pneumatic components. Critical components are those in which a failure would result in a free fall or free rotation of the boom. All noncritical components shall have bursting safety factor of at least 2 to 1.

(e) Welding standards. All welding shall conform to the following standards as applicable:

(i) Standard Qualification Procedure, AWS B3.0-41.

(ii) Recommended Practices for Automotive Welding Design, AWS D8.4-61.

(iii) Standard Qualification of Welding Procedures and Welders for Piping and Tubing, AWS D10.9-69.

(iv) Specifications for Welding Highway and Railway Bridges, AWS D2.0-69.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

✓ WAC 296-155-605 EQUIPMENT. (1) General requirements. (a) All equipment left unattended at night, adjacent to a highway in normal use, or adjacent to construction areas where work is in progress, shall have appropriate lights or reflectors, or barricades equipped with appropriate lights or reflectors, to identify the location of the equipment.

(b) ((A safety tire rack, cage, or equivalent protection shall be provided and used when inflating, mounting, or dismounting tires installed on split rims, or rims equipped with locking rings or similar devices:)) All tire servicing of multi-piece and single-piece rim wheels are subject to the requirements of WAC 296-155-61701 through 296-155-61713.

(c) (i) Heavy machinery, equipment, or parts thereof, which are suspended or held aloft by use of slings, hoists, or jacks shall be substantially blocked or cribbed to prevent falling or shifting before employees are permitted to work under or between them. Bulldozer and scraper blades, end-loader buckets, dump bodies, and similar equipment, shall be either fully lowered or blocked when being repaired or when not in use. All controls shall be in a neutral position, with the motors stopped and brakes set, unless work being performed required otherwise.

(ii) Whenever the equipment is parked, the parking brake shall be set. Equipment parked on inclines shall have the wheels chocked and the parking brake set.

(d) The use, care and charging of all batteries shall conform to the requirements of part I of this chapter.

(e) All cab glass shall be safety glass, or equivalent, that introduces no visible distortion affecting the safe operation of any machine covered by this part.

(f) All equipment covered by this part shall comply with the requirements of WAC 296-155-525 (2)((f))(e) when working or being moved in the vicinity of power lines or energized transmitters.

(g) Where traffic is diverted onto dusty surfaces, good visibility shall be maintained by the suppression of dust, through the periodic application of oil or water to the grade surface, as required.

(h) No equipment, vehicle, tool, or individual shall operate within 10 feet of any power line or electrical distribution equipment except in conformity with the requirements of WAC 296-155-525 (2)(e).

(2) Specific requirements. (Reserved.)

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

✓ WAC 296-155-610 MOTOR VEHICLES. (1) Coverage. Motor vehicles as covered by this part ((are those)) include any vehicles that operate ((within an off-highway jobsite, not open to public traffic)) on a construction site. The requirements of this section do not apply to equipment for which rules are prescribed in WAC 296-155-615.

(2) General requirements.

(a) All vehicles shall have a service brake system, an emergency brake system, and a parking brake system. These systems may use common components, and shall be maintained in operable condition.

(b) Before leaving a motor vehicle unattended:

(i) The motor shall be stopped.

(ii) Parking brake engaged and wheels turned into curb or berm when parked on an incline.

(iii) When parking on an incline and there is no curb or berm, the wheels shall be chocked or otherwise secured.

((b)) (c)(i) Whenever visibility conditions warrant additional light, all vehicles, or combinations of vehicles, in use shall be equipped with at least two headlights and two taillights in operable condition.

(ii) All vehicles, or combination of vehicles, shall have brake lights in operable condition regardless of light conditions.

((c)) (d) All vehicles shall be equipped with an adequate audible warning device at the operator's station and in an operable condition.

((d)) (e) No employer shall allow the use of any motor vehicle equipment having an obstructed view to the rear unless:

(i) ((The)) Vehicles ((has-a)) other than passenger cars and pickups shall have an automatic reverse signal alarm audible above the surrounding noise level no less than fifteen feet from the rear of the vehicle or:

(ii) The vehicle is backed up only when an observer signals that it is safe to do so.

((e)) (f) All vehicles with cabs shall be equipped with windshields, powered wipers, and rear view mirrors. Cracked and broken glass shall be replaced. Vehicles operating in areas or under conditions that cause fogging or frosting of the windshields shall be equipped with operable defogging or defrosting devices.

((f)) (g) All haulage vehicles, whose pay load is loaded by means of cranes, power shovels, loaders, or similar equipment, shall have a cab shield and/or canopy adequate to protect the operator from shifting or falling materials.

((g)) (h) Tools and material shall be secured to prevent movement when transported in the same compartment with employees.

((h)) (i) Vehicles used to transport employees shall have seats firmly secured and adequate for the number of employees to be carried.

((i)) (j) Seat belts and anchorages meeting the requirements of 49 CFR Part 571 (Department of Transportation, Federal Motor Vehicle Safety Standards) shall be installed in all motor vehicles.

((†)) (k) Trucks with dump bodies or raiseable platforms, beds, or boxes shall be equipped with positive means of support, permanently attached, and capable of being locked in position to prevent accidental lowering of the body while maintenance or inspection work is being done.

((†)) (l) Operating levers, controlling hoisting or dumping devices on haulage bodies, shall be equipped with a latch or other device which will prevent accidental starting or tripping of the mechanism.

((†)) (m) Trip handles for tailgates of dump trucks shall be so arranged that, in dumping, the operator will be in the clear.

((†)) (n) All rubber-tired motor vehicle equipment manufactured on or after May 1, 1972, shall be equipped with fenders. All rubber-tired motor vehicle equipment manufactured before May 1, 1972, shall be equipped with fenders not later than October 1, 1974. Mud flaps may be used in lieu of fenders whenever motor vehicle equipment is not designed for fenders.

((†)) (o) All vehicles in use shall be checked at the beginning of each shift to assure that the following parts, equipment, and accessories are in safe operating condition and free of apparent damage that could cause failure while in use: Service brakes, including trailer brake connections; parking system (hand brake); emergency stopping system (brakes); tires; horn; steering mechanism; coupling devices; seat belts; operating controls; and safety devices. All defects shall be corrected before the vehicle is placed in service. These requirements also apply to equipment such as lights, reflectors, windshield wipers, defrosters, fire extinguishers, steps and handholds for vehicle access, etc., where such equipment is necessary.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

✓ WAC 296-155-615 MATERIAL HANDLING EQUIPMENT. (1) Earthmoving equipment; general. (a) These rules apply to the following types of earthmoving equipment: Scrapers, loaders, crawler or wheel tractors, bulldozers, off-highway trucks, graders, agricultural and industrial tractors, and similar equipment. The promulgation of specific rules for compactors and rubber-tired "skid-steer" equipment is reserved pending consideration of standards currently being developed.

(b) Seat belts. (i) Seat belts shall be provided on all equipment covered by this section and shall meet the requirements of the Society of Automotive Engineers, J386-1969, Seat Belts for Construction Equipment. Seat belts for agricultural and light industrial tractors shall meet the seat belt requirements of Society of Automotive Engineers J333a-1970, Operator Protection for Agricultural and Light Industrial Tractors.

(ii) Seat belts need not be provided for equipment which is designed only for standup operation.

(iii) Seat belts shall not be provided for equipment which does not have rollover protective structure (ROPS) or adequate canopy protection.

(c) Access roadways and grades. (i) No employer shall move or cause to be moved construction equipment

or vehicles upon any access roadway or grade unless the access roadway or grade is constructed and maintained to accommodate safely the movement of the equipment and vehicles involved.

(ii) Every emergency access ramp and berm used by an employer shall be constructed to restrain and control runaway vehicles.

(d) Brakes. All earthmoving equipment mentioned in WAC 296-155-615 (1)(a) shall have a service braking system capable of stopping and holding the equipment fully loaded, as specified in Society of Automotive Engineers SAE-J237, Loader Dozer-1971, J236, Graders-1971, and J319b, Scrapers-1971. Brake systems for self-propelled rubber-tired off-highway equipment manufactured after January 1, 1972 shall meet the applicable minimum performance criteria set forth in the following Society of Automotive Engineers Recommended Practices:

Self-propelled scrapers	SAE J319b-1971
Self-propelled graders	SAE J236-1971
Trucks and wagons	SAE J166-1971
Front end loaders and dozers	SAE J237-1971

(e) Fenders. Pneumatic-tired earthmoving haulage equipment (trucks, scrapers, tractors, and trailing units) whose maximum speed exceeds 15 miles per hour, shall be equipped with fenders on all wheels to meet the requirements of Society of Automotive Engineers SAE J321a-1970, Fenders for Pneumatic-Tired Earthmoving Haulage Equipment. An employer may, of course, at any time seek to show under WAC 296-155-010, that the uncovered wheels present no hazard to personnel from flying materials.

(f) Rollover protective structures (ROPS). See part V of this chapter for requirements for rollover protective structures and overhead protection.

(g) Rollover protective structures for off-highway trucks. The promulgation of standards for rollover protective structures for off-highway trucks is reserved pending further study and development.

(h) Specific effective dates—Brakes and fenders. (i) Equipment mentioned in WAC 296-155-615 (d) and (e) and manufactured after January 1, 1972, which is used by any employer after that date, shall comply with the applicable rules prescribed therein concerning brakes. Equipment mentioned in WAC 296-155-615 (d) and (e) and manufactured before January 1, 1972, which is used by any employer after that date, shall meet the applicable rules prescribed herein not later than October 1, 1974. It should be noted that employers may request variations from the applicable brakes standards required by this part. Employers wishing to seek variations from the applicable brakes rules may submit any requests for variations in accordance with WAC 296-155-010. Any statements should specify how the variation would protect the safety of the employees by providing for any compensating restrictions on the operation of equipment.

(i) Audible alarms. (i) All bidirectional machines, such as rollers, compacters, front-end loaders, bulldozers, and similar equipment, shall be equipped with a horn, distinguishable from the surrounding noise level, which shall be operated as needed when the machine is moving in either direction. The horn shall be maintained in an operative condition.

(ii) No employer shall permit earthmoving or compacting equipment which has an obstructed view to the rear to be used in reverse gear unless the equipment has in operation a reverse signal alarm distinguishable from the surrounding noise level or an employee signals that it is safe to do so.

(iii) In circumstances where the surrounding noise level is of such amplitude that reverse signal alarms are not effective, amber strobe lights shall be used.

(iv) Operators of equipment which does not have an obstructed view to the rear shall look to the rear while operating the equipment in reverse.

(j) Scissor points. Scissor points on all front-end loaders, which constitute a hazard to the operator during normal operation, shall be guarded.

(k) Tractor motors shall be cranked only by operators or other experienced persons.

(l) Waterproof and comfortable seat cushions shall be provided on tractors at all times when working.

(m) Riders, except mechanics and persons (~~training~~) in training to operate (~~(tractors)~~) equipment, shall not be allowed on (~~(tractors during working hours)~~) equipment unless a seat with a seatbelt is provided and used.

(n) Winch lines shall be maintained in good condition and provided with spliced eye, knob or hook in working end, except under conditions where unspliced end is required.

(o) No repairs on blade or dozer equipment shall be initiated unless motor has been stopped and dozer blade is resting on the ground or securely blocked. The same shall apply to carry-all gates.

(p) Bulldozer blades and carryall gates shall rest on the ground or on blocking when machines are not in operation.

(q) Operator shall not leave controls of tractor with master clutch engaged.

(r) Personnel shall not get on or off machine while machine is in motion.

(s) Where excessive dust conditions are created, such areas shall be sprinkled with water to maintain dust at a minimum.

(t) Respirators shall be worn by operators when subject to harmful dust exposure.

(2) Excavating and other equipment. (a) Tractors covered in subsection (1) of this section shall have seat belts as required for the operators when seated in the normal seating arrangement for tractor operation, even though backhoes, breakers, or other similar attachments are used on these machines for excavating or other work.

(b) For the purposes of this part and of part L of this chapter, the nomenclatures and descriptions for measurement of dimensions of machinery and attachments shall be as described in Society of Automotive Engineers 1970 Handbook, pages 1088 through 1103.

(c) The safety requirements, ratios, or limitations applicable to machines or attachment usage covered in Power Crane and Shovel Association's Standards No. 1 and No. 2 of 1968, and No. 3 of 1969, shall be complied with, and shall apply to cranes, machines, and attachments under this part.

(3) Lifting and hauling equipment (other than equipment covered under part L of this chapter). (a) Industrial trucks shall meet the requirements of WAC 296-155-605 and the following:

(i) Lift trucks, stackers, etc., shall have the rated capacity clearly posted on the vehicle so as to be clearly visible to the operator. When auxiliary removable counter-weights are provided by the manufacturer, corresponding alternate rated capacities also shall be clearly shown on the vehicle. These ratings shall not be exceeded.

(ii) No modifications or additions which affect the capacity or safe operation of the equipment shall be made without the manufacturer's or professional engineer's written approval. If such modifications or changes are made, the capacity, operation, and maintenance instruction plates, tags, or decals, shall be changed accordingly. In no case shall the original safety factor of the equipment be reduced.

(iii) If a load is lifted by two or more trucks working in unison, the proportion of the total load carried by any one truck shall not exceed its capacity.

(iv) Steering or spinner knobs shall not be attached to the steering wheel unless the steering mechanism is of a type that prevents road reactions from causing the steering handwheel to spin. The steering knob shall be mounted within the periphery of the wheel.

(v) All high lift rider industrial trucks shall be equipped with overhead guards which meet the configuration and structural requirements as defined in paragraph ~~((421))~~ 502 of American National Standards Institute B56.1-~~((1969))~~1975, Safety Standards for Powered Industrial Trucks.

(vi) All industrial trucks in use shall meet the applicable requirements of design, construction, stability, inspection, testing, maintenance, and operation, as defined in American National Standards Institute B56.1-~~((1969))~~1975, Safety Standards for Powered Industrial Trucks.

NEW SECTION

✓WAC 296-155-617 SERVICING MULTIPIECE AND SINGLE-PIECE RIM WHEELS.

NEW SECTION

✓WAC 296-155-61701 SCOPE. (1) Application. This section applies to the servicing of multipiece and single-piece rim wheels used on large vehicles such as trucks, tractors, trailers, buses and off-road machines. It does not apply to the servicing of rim wheels used on automobiles, or on pickup trucks and vans utilizing automobile tires or truck tires designated "LT."

(2) All provisions of this section apply to the servicing of both single-piece rim wheels and multipiece rim wheels unless designated otherwise.

NEW SECTION

WAC 296-155-61703 DEFINITIONS. (1) "Barrier" means a fence, wall or other structure or object placed between a single-piece rim wheel and an employee during tire inflation, to contain the rim wheel components in the event of the sudden release of the contained air of the single-piece rim wheel.

(2) "Charts" means the United States Department of Transportation, National Highway Traffic Safety Administration (NHTSA) publications entitled Safety Precautions for Mounting and Demounting Tube-Type Truck/Bus Tires and Multipiece Rim Wheel Matching Chart, or any other publications such as rim manuals containing, at a minimum, the same instructions, safety precautions and other information contained on those charts that are applicable to the types of rim wheels being serviced.

(3) "Installing a rim wheel" means the transfer and attachment of an assembled rim wheel onto a vehicle axle hub. "Removing" means the opposite of installing.

(4) "Mounting a tire" means the assembly or putting together of the wheel and tire components to form a rim wheel, including inflation. "Demounting" means the opposite of mounting.

(5) "Multipiece rim wheel" means the assemblage of a multipiece wheel with the tire tube and other components.

(6) "Multipiece wheel" means a vehicle wheel consisting of two or more parts, one of which is a side or locking ring designed to hold the tire on the wheel by interlocking components when the tire is inflated.

(7) "Restraining device" means an apparatus such as a cage, rack, assemblage of bars and other components that will constrain all rim wheel components during an explosive separation of a multipiece rim wheel, or during the sudden release of the contained air of a single-piece rim wheel.

(8) "Rim manual" means a publication containing instructions from the manufacturer or other qualified organization for correct mounting, demounting, maintenance, and safety precautions peculiar to the type of wheel being serviced.

(9) "Rim wheel" means an assemblage of tire, tube and liner (where appropriate), and wheel components.

(10) "Service" or "servicing" means the mounting and demounting of rim wheels, and related activities such as inflating, deflating, installing, removing, and handling.

(11) "Service area" means that part of an employer's premises used for the servicing of rim wheels, or any other place where an employee services rim wheels.

(12) "Single-piece rim wheel" means the assemblage of single-piece rim wheel with the tire and other components.

(13) "Single-piece wheel" means a vehicle wheel consisting of one part, designed to hold the tire on the wheel when the tire is inflated.

(14) "Trajectory" means any potential path or route that a rim wheel component may travel during an explosive separation, or the sudden release of the pressurized air, or an area at which an airblast from a single-piece rim wheel may be released. The trajectory may

deviate from paths which are perpendicular to the assembled position of the rim wheel at the time of separation or explosion. (See Appendix A for examples of trajectories.)

(15) "Wheel" means that portion of a rim wheel which provides the method of attachment of the assembly to the axle of a vehicle and also provides the means to contain the inflated portion of the assembly (i.e., the tire and/or tube).

NEW SECTION

WAC 296-155-61705 EMPLOYEE TRAINING.

(1) Employer responsibility. The employer shall provide a program to train all employees who service rim wheels in the hazards involved in servicing those multipiece rim wheels and the safety procedures to be followed.

(a) The employer shall assure that no employee services any rim wheel unless the employee has been trained and instructed in correct procedures of servicing the type of wheel being serviced, and in the safe operating procedures described in WAC 296-24-21711.

(b) Information to be used in the training program shall include, at a minimum, the applicable data contained in the charts (rim manuals) and the contents of this standard.

(c) Where an employer knows or has reason to believe that any of his employees is unable to read and understand the charts or rim manual, the employer shall assure that the employee is instructed concerning the contents of the charts and rim manual in a manner which the employee is able to understand.

(2) Employee qualification. The employer shall assure that each employee demonstrates and maintains the ability to service rim wheels safely, including performance of the following tasks:

(a) Demounting of tires (including deflation);

(b) Inspection and identification of the rim wheel components;

(c) Mounting of tires (including inflation with a restraining device or other safeguard required by this section);

(d) Use of the restraining device or barrier, and other equipment required by this section;

(e) Handling of rim wheels;

(f) Inflation of the tire when a single-piece rim wheel is mounted on a vehicle;

(g) An understanding of the necessity of standing outside the trajectory both during inflation of the tire and during inspection of the rim wheel following inflation; and

(h) Installation and removal of wheels.

(3) Ongoing training. The employer shall evaluate each employee's ability to perform these tasks and to service rim wheels safely and shall provide additional training as necessary to assure that each employee maintains his or her proficiency.

NEW SECTION

WAC 296-155-61707 TIRE SERVICING EQUIPMENT. (1) Restraining device - Multipiece.

The employer shall furnish a restraining device for inflating tires on multipiece wheels.

(2) Restraining device - Single-piece. The employer shall provide a restraining device or barrier for inflating tires on single-piece wheels unless the rim wheel will be bolted onto a vehicle during inflation.

(3) Restraining device requirements. Restraining devices and barriers shall comply with the following requirements:

(a) Each restraining device or barrier shall have the capacity to withstand the maximum force that would be transferred to it during a rim wheel separation occurring at one hundred fifty percent of maximum tire specification pressure for the type of rim wheel being serviced;

(b) Restraining devices and barriers shall be capable of preventing rim components from being thrown outside or beyond the device or barrier for any rim wheel position within or behind the device;

(c) Restraining devices and barriers shall be visually inspected prior to each day's use and after any separation of the rim wheel components or sudden release of contained air. Any restraining device or barrier exhibiting damage such as the following defects shall be immediately removed from service:

- (i) Cracks at welds;
- (ii) Cracked or broken components;
- (iii) Bent or sprung components caused by mishandling, abuse, tire explosion or rim wheel separation;
- (iv) Pitting of components due to excessive corrosion; or
- (v) Other structural damage which would decrease its effectiveness.

(d) Restraining devices removed from service shall not be returned to service until they are repaired and re-inspected. Restraining devices or barriers requiring structural repair such as component replacement or rewelding shall not be returned to service until they are certified either by the manufacturer or by a registered professional engineer as meeting the strength requirements of subsection (3)(a) of this section.

(4) Air line assembly. The employer shall furnish and assure that an air line assembly consisting of the following components be used for inflating tires:

- (a) A clip-on chuck;
- (b) An in-line valve with a pressure gauge or a presettable regulator; and
- (c) A sufficient length of hose between the clip-on chuck and the in-line valve (if one is used) to allow the employee to stand outside the trajectory.

(5) Rim manuals. Current charts (rim manuals) containing instructions for the types of wheels being serviced shall be available in the service area.

(6) Rim manual availability. A current rim manual containing instructions for the type of rims being serviced shall be available in the service area.

(7) Recommended servicing tools. The employer shall furnish and assure that only tools recommended in the rim manual for the type of wheel being serviced are used to service rim wheels.

NEW SECTION

✓WAC 296-155-61709 WHEEL COMPONENT ACCEPTABILITY. (1) Interchange of components. Multipiece wheel components shall not be interchanged except as provided in the charts, or in the applicable rim manual.

(2) Inspection of components. Multipiece wheel components and single-piece wheels shall be inspected prior to assembly. Any wheel or wheel component which is bent out of shape, pitted from corrosion, broken or cracked shall not be used and shall be marked or tagged unserviceable and removed from the service area. Damaged or leaky valves shall be replaced.

(3) Condition of components. Rim flanges, rim gutters, rings, bead seating surfaces and the bead areas of tires shall be free of any dirt, surface rust, scale or loose or flaked rubber build-up prior to mounting and inflation.

(4) Compatibility check. The size (bead diameter and tire/wheel widths) and type of both the tire and the wheel shall be checked for compatibility prior to assembly of the rim wheel.

NEW SECTION

✓WAC 296-155-61711 SAFE OPERATING PROCEDURE—MULTIPIECE RIM WHEELS. The employer shall establish a safe operating procedure for servicing multipiece rim wheels and shall assure that employees are instructed in and follow that procedure. The procedure shall include at least the following elements:

(1) Deflation before demounting. Tires shall be completely deflated before demounting by removal of the valve core.

(2) Deflation on axle. Tires shall be completely deflated by removing the valve core, before a rim wheel is removed from the axle in either of the following situations:

- (a) When the tire has been driven underinflated at eighty percent or less of its recommended pressure; or
- (b) When there is obvious or suspected damage to the tire or wheel components.

(3) Rubber lubricant. Rubber lubricant shall be applied to bead and rim mating surfaces during assembly of the wheel and inflation of the tire, unless the tire or wheel manufacturer recommends against it.

(4) Inflation of tire while on vehicle. If a tire on a vehicle is underinflated but has more than eighty percent of the recommended pressure, the tire may be inflated while the rim wheel is on the vehicle provided remote control inflation equipment is used, and no employees remain in the trajectory during inflation.

(5) Tire bead. Tires shall be inflated outside a restraining device only to a pressure sufficient to force the tire bead onto the rim ledge and create an airtight seal with the tire and bead.

(6) Restraining device clearance. Whenever a rim wheel is in a restraining device the employee shall not rest or lean any part of his body or equipment on or against the restraining device.

(7) Inspection of components. After tire inflation, the tire and wheel components shall be inspected while still

within the restraining device to make sure that they are properly seated and locked. If further adjustment to the tire or wheel components is necessary, the tire shall be deflated by removal of the valve core before the adjustment is made.

(8) Use of force. No attempt shall be made to correct the seating of side and lock rings by hammering, striking or forcing the components while the tire is pressurized.

(9) Damaged components. Cracked, broken, bent, or otherwise damaged rim components shall not be reworked, welded, brazed, or otherwise heated.

(10) Trajectory clearance. Whenever multipiece rim wheels are being handled, employees shall stay out of the trajectory unless the employer can demonstrate that performance of the servicing makes the employee's presence in the trajectory necessary.

(11) Wheel heating prohibition. No heat shall be applied to a multi-piece wheel or wheel component.

NEW SECTION

✓ WAC 296-155-61713 **SAFE OPERATING PROCEDURE—SINGLE-PIECE RIM WHEELS.** The employer shall establish a safe operating procedure for servicing single-piece rim wheels and shall assure that employees are instructed in and follow that procedure. The procedure shall include at least the following elements:

(1) Deflation. Tires shall be completely deflated by removal of the valve core before demounting.

(2) Mounting and demounting. Mounting and demounting of the tire shall be done only from the narrow ledge side of the wheel. Care shall be taken to avoid damaging the tire beads while mounting tires on wheels. Tires shall be mounted only on compatible wheels of matching bead diameter and width.

(3) Lubricant. Nonflammable rubber lubricant shall be applied to bead and wheel mating surfaces before assembly of the rim wheel, unless the tire or wheel manufacturer recommends against the use of any rubber lubricant.

(4) Changing machine. If a tire changing machine is used, the tire shall be inflated only to the minimum pressure necessary to force the tire bead onto the rim ledge while on the tire changing machine.

(5) Bead expander. If a bead expander is used, it shall be removed before the valve core is installed and as soon as the rim wheel becomes airtight (the tire bead slips onto the bead seat).

(6) Inflation restrictions. Tires may be inflated only when contained within a restraining device, positioned behind a barrier or bolted on the vehicle with the lug nuts fully tightened.

(7) Inflation trajectory. Tires shall not be inflated when any flat, solid surface is in the trajectory and within one foot of the sidewall.

(8) Employee safety. Employees shall stay out of the trajectory when inflating a tire.

(9) Inflation pressure. Tires shall not be inflated to more than the inflation pressure stamped in the sidewall unless a higher pressure is recommended by the manufacturer.

(10) Seating tire bead. Tires shall not be inflated above the maximum pressure recommended by the manufacturer to seat the tire bead firmly against the rim flange.

(11) Prohibition on use of heat. No heat shall be applied to a single-piece wheel.

(12) Mixing tire and rim sizes. Employee shall be informed of the hazard created by mixing 16" and 16.5" tires and rims.

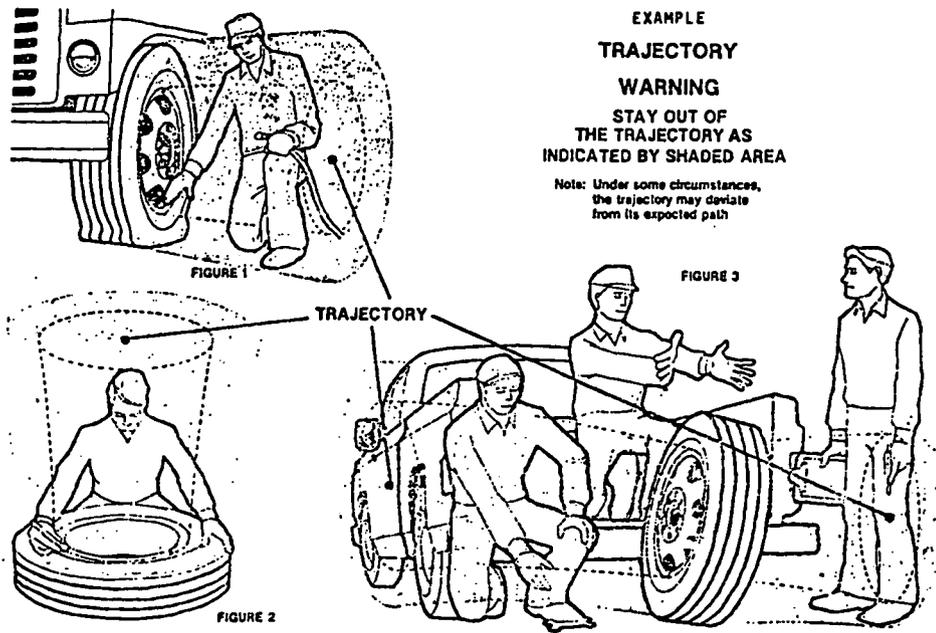
(13) Defective components. Cracked, broken, bent, or otherwise damaged wheels shall not be reworked, welded, brazed, or otherwise heated.

APPENDIX A
TRAJECTORY

WARNING

STAY OUT OF
THE TRAJECTORY AS
INDICATED BY SHADED AREA

NOTE: Under some circumstances, the trajectory may deviate from its expected path.



Appendix B—Ordering Information for NHTSA charts

The NHTSA charts as part of a continuing campaign to alert rim wheel serving personnel of the industry accepted procedures for servicing multipiece rim wheels.

Prints of the charts are available through the Division of Industrial Safety and Health Administration (WISHA) area offices. The address and telephone number of the nearest WISHA area office can be obtained by contacting the State of Washington, Department of Labor and Industries, Division of Industrial Safety and Health, P.O. Box 207, Olympia, Washington, 98504, (206) 754-1258, or in your telephone directory for a local number.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

✓WAC 296-155-625 SITE CLEARING. (1) General. (a) The word "clearing" ((shatl)) means the removal of trees, stumps, logs, brush, debris and rubbish from the surface of the ground in preparation of a site for construction work of any kind. The removal of trees and logs shall be in accordance with the requirements of chapter 296-54 WAC.

(b) All equipment and tools such as axes, sledges, wedges, saws, springboards, etc., shall be maintained in a safe condition and guarded with standard safeguards.

(c) Fallers shall give warning to brushing crews, buckers and other persons in the vicinity where a tree is being felled; taking notice that such persons are not only out of the reach of tree, but also out of danger of possible sidewinders, snags or other trees which may be knocked over by the tree being felled.

(d) No tree shall be felled toward and within range of traveled road or railroad in use, unless a flagman is placed on such road or railroad to warn all approaching persons or to stop vehicles.

(e) Clearing crews shall not be placed immediately below other crews working on hillsides where there is a possible danger of skidding or rolling trees, moving earth or rock.

(f) Pioneer roads on clearing operations shall be constructed to safely accommodate all equipment moved over road.

(g) Hazardous standing and down timber, rocks, etc., shall be moved from upper sides of cuts on side hill operations.

(h) Care shall be exercised in the use of oil for burning brush or timber.

(i) Employees engaged in site clearing shall be protected from hazards of irritant and toxic plants and suitably instructed in the first aid treatment available.

(j) All equipment used in site clearing operations shall be equipped with rollover guards meeting the requirements of this chapter. In addition, rider-operated equipment shall be equipped with an overhead and rear canopy guard meeting the following requirements:

(i) The overhead covering on this canopy structure shall be of not less than 1/8-inch steel plate or 1/4-inch woven wire mesh with openings no greater than 1 inch, or equivalent.

(ii) The opening in the rear of the canopy structure shall be covered with not less than 1/4-inch woven wire mesh with openings no greater than 1 inch.

(k) In addition to observance of the General Safety and Health Standards; (i) The employer shall assume the responsibility of work assignment so that no worker shall be required to work in a position or location so isolated that he is not within ordinary calling distance of another person who can render assistance in case of emergency. In any operation where cutting, felling trees, loading, or a combination of these duties is carried on, there shall be a minimum crew of two persons who shall work as a team and shall be in visual or voice contact

with one another. If one worker at these operations is required to be left alone for a period of time, he shall be contacted by another person at reasonable intervals not to exceed fifteen minutes unless such practice can be established to be impractical.

(ii) This does not apply to operators of motor vehicles, watchmen or certain other jobs which, by their nature, are singular worker assignments. However, a definite procedure for checking the welfare of all workers during working hours shall be instituted and all workers so advised.

AMENDATORY SECTION (Amending Order 81-9, filed 6/17/81)

✓ WAC 296-155-650 DEFINITIONS APPLICABLE TO THIS PART. (1) "Accepted engineering requirements (or practices)" means those requirements or practices which are compatible with standards required by a registered architect, a registered professional engineer, or other duly licensed or recognized authority.

(2) "Angle of repose" means the greatest angle above the horizontal plane at which a material will lie without sliding or rolling.

(3) "Bank" means a mass of soil rising above a digging level.

(4) "Belled excavation" means a part of a shaft or footing excavation, usually near the bottom and bell-shaped; i.e., an enlargement of the cross section above.

(5) "Borrow pit" means a cavity or opening formed in the earth by breaking, loosening, cutting, digging or pushing aside material and removal of any unprocessed earthen material.

(6) "Braces (trench)" means the horizontal members of the shoring system whose ends bear against the uprights or stringers.

~~((6))~~ (7) "Cofferdam" means a watertight chamber used to exclude water or other fluid or semi-fluid material during excavation for foundations and the construction of subsurface structures.

~~((7))~~ (8) "Compact shale" means a type of hardened clay that has not yet split into thin layers.

~~((8))~~ (9) "Competent person" means one who is capable of identifying hazards in the surroundings or working conditions which are unsanitary, hazardous or dangerous.

~~((9))~~ (10) "Equipment" means ladders, scaffolds, ramps, runways, railings, barricades, sheet piling, shoring, bracing and any such safeguards, protective construction and devices used in affording protection to the workers engaged in excavating work.

~~((10))~~ (11) "Embankment" means an artificial or man-made bank of earthen material.

(12) "Excavation" means any manmade cavity or depression in the earth's surface, including its sides, walls, or faces, formed by earth removal and producing unsupported earth conditions by reasons of the excavation. If installed forms or similar structures reduce the depth-to-width relationship, an excavation may become a trench.

~~((11))~~ (13) "Faces" see ~~((19))~~ subsection (21) of this section.

~~((12))~~ (14) "Hard compact soil" means all earth materials not classified as running or unstable.

~~((13))~~ (15) "Kickouts" means accidental release or failure of a shore or brace.

~~((14))~~ (16) "Moving ground" means any ground, which for any reason, will not remain in its original location.

~~((15))~~ (17) "Ramp" means an inclined runway.

~~((16))~~ (18) "Runway" means any planked-over walkway or drive constructed and maintained as a passageway for workers or rolling equipment.

~~((17))~~ (19) "Sheet pile" means a pile, or sheeting, that may form one of a continuous interlocking line, or a row of timber, concrete, or steel piles, driven in close contact to provide a tight wall to resist the lateral pressure of water, adjacent earth, or other materials.

~~((18))~~ (20) "Shoring system" means any assembly of equipment or material used to prevent the ground or earth from moving.

~~((19))~~ (21) "Sides," "walls," or "faces" means the vertical or inclined earth surfaces formed as a result of excavation work.

~~((20))~~ (22) "Slope" means the angle with the horizontal at which a particular earth material will stand indefinitely without movement.

~~((21))~~ (23) "Stringers" (wales) means the horizontal members of a shoring system whose sides bear against the uprights or earth.

~~((22))~~ (24) "Structural construction" means any activity or process required in the actual construction of any type of structure, pipeline or conduit exclusive of the excavation.

~~((23))~~ (25) "Trench" means a narrow excavation made below the surface of the ground. In general, the depth is greater than the width, but the width of a trench is not greater than 15 feet.

~~((24))~~ (26) "Trench jack" means screw or hydraulic type jacks used as cross bracing in a trench shoring system.

~~((25))~~ (27) "Trench shield" or "trench box" means a shoring system composed of steel plates and bracing, welded or bolted together, which support the walls of a trench from the ground level to the trench bottom and which can be moved along as work progresses.

~~((26))~~ (28) "Unstable soil" means earth material, other than running that because of its nature or the influence of related conditions, cannot be depended upon to remain in place without extra support, such as would be furnished by a system of shoring.

~~((27))~~ (29) "Uprights" means the vertical members of a shoring system.

~~((28))~~ (30) "Wales" see subsection ~~((21))~~ (23) of this section.

~~((29))~~ (31) "Walls" see subsection ~~((19))~~ (21) of this section.

AMENDATORY SECTION (Amending Order 81-9, filed 6/17/81)

✓ WAC 296-155-655 GENERAL PROTECTION REQUIREMENTS. (1) This part on "excavation work" and "trenching" is intended to provide ~~((for the))~~ protection of all employees during all excavation ~~((work))~~

or trenching in connection with all construction work ((relating thereto)), such as trenches, excavations, underpinning, shoring and bracing, and in connection with the construction of footings, foundations, retaining walls and other construction work below ground level.

(2) ~~((Any safety device or equipment needed in connection with excavation work or trenching shall be inspected, erected, and maintained in a safe condition, for the duration of the operation, by the owner, contractor, or person in direct charge and authority.~~

~~(3) Federal or state codes, rules, regulations and ordinances governing any and all phases of excavation work and trenching shall be observed at all times.~~

~~(4) Walkways, runways, and sidewalks shall be kept clear of excavated material or other obstructions and no sidewalks shall be undermined unless shored to carry a minimum live load of one hundred and twenty-five pounds per square foot.~~

~~(5) If planks are used for raised walkways, runways, or sidewalks, they shall be laid parallel to the length of the walk and fastened together against displacement.~~

~~(6) Planks shall be uniform in thickness and all exposed ends shall be provided with beveled cleats to prevent tripping.~~

~~(7) Raised walkways, runways, and sidewalks shall be provided with plank steps on strong stringers. Ramps, used in lieu of steps, shall be provided with cleats to insure a safe walking surface.~~

~~(8) All employees shall be protected with personal protective equipment for the protection of the head, eyes, respiratory organs, hands, feet, and other parts of the body as set forth in Part C of this chapter.~~

~~(9) Employees exposed to vehicular traffic shall wear hard hats and warning vests marked with or made of reflectorized or high visibility material.~~

~~(10) Employees subjected to hazardous dusts, gases, vapors, fumes, mists, or atmospheres deficient in oxygen, shall be protected with approved respiratory protection as set forth in Part B of this chapter.~~

~~(11) No person shall be permitted under loads handled by power shovels, derricks, hoists, or front end loaders. To avoid any injury from spillage, employees, including the driver, unless he is protected adequately by the cab, shall be required to stand away from any vehicle being loaded.~~

~~(12) Inspections of excavations and trenches shall be made prior to each work shift by a competent person. If evidence of possible cave-ins or slides is apparent, all work in the excavation or trench shall cease until the necessary precautions have been taken to safeguard the employees.))~~ (a) Underground utilities. Prior to opening an excavation or trench, efforts shall be made to determine whether underground installations of utilities will be encountered. If so, the appropriate utility company shall be notified and requested to identify the exact location of the underground installation.

(i) Proper supports and precautions shall be provided for existing installations.

(ii) When electric lines are of the direct burial type, a qualified person shall make positive identification of the cable.

(iii) Mechanical excavating equipment shall maintain a two foot clearance from the direct burial cable.

(b) Power line clearance. No equipment, motor vehicle, tool, or individual shall operate within 10 feet of any power line or electrical distribution equipment except in conformity with the requirements of WAC 296-155-525 (2)(e).

(3) Surface encumbrances. Trees, boulders, utility poles, and other surface encumbrances, located so as to create a hazard to employees involved in excavation or trenching work or in the vicinity thereof at any time during operations, shall be removed or made safe before excavating or trenching is begun or continued.

(4) Wall and face guarding. The walls and faces of all excavations or trenches in which employees are exposed to danger from moving ground, falling rocks, sloughing, or sliding earth shall be guarded by:

(a) A shoring system.

(b) Sloping of the ground, or some other equivalent means.

(c) Sloping of the ground or the shoring system shall extend to the bottom of the trench or excavation.

(5) Trench and excavation protection. Except in solid rock and compact shale, the sides of all trenches and excavations, including embankments, four feet or more in depth shall be shored, sheeted, braced, sloped, or otherwise supported by means of sufficient strength to protect employees. (See Tables N-1, N-2, N-3, N-4 and N-5.)

(6) Protection for trenches less than four feet. Trenches less than four feet in depth shall also be effectively protected when there are indications that hazardous ground movement is possible.

(7) Inspection. Excavations and trenches shall be inspected by a competent person after every rainstorm or other hazard-increasing occurrence. The protection against slides and cave-ins shall be increased if necessary.

(8) Top person. No person shall be allowed to work in a trench over four feet in depth unless there is a top person in constant attendance. The top person shall be in addition to the equipment operator when the person in the trench is not in constant view of the equipment operator.

(9) Slope encumbrances. The surface of the slope of any trench or excavation shall be cleaned of boulders, stumps, or other hard masses of earth in the form of chunks, that could roll or slide into the trench or excavation endangering persons below.

(10) Evaluation of protection requirements. The determination of the angle of slope or design of the supporting system, or both, shall be based on careful evaluation of pertinent factors such as:

(a) Depth of cut.

(b) Possible variation in water content of the material while the trench or excavation is open.

(c) Anticipated changes in materials from exposure to air, sun, water, or freezing.

(d) Loading imposed by structures, equipment, overlying material, or stored material.

(e) Vibration from equipment, blasting, traffic or other sources.

(11) Supporting system requirements. Supporting systems, i.e., piling, cribbing, shoring, etc., shall be designed by a qualified person and meet accepted engineering requirements.

(a) When tie rods are used to restrain the top of sheeting or other retaining systems, the rods shall be securely anchored well back of the angle of slope.

(b) When tight sheeting or sheet piling is used, full loading due to ground water table shall be assumed, unless prevented by weep holes or drains or other means.

(c) Additional stringers, ties, and bracing shall be provided to allow for any necessary temporary removal of individual supports.

(d) Excavation and lagging done in conjunction with soldier piles shall be completed in not more than eight foot lifts.

(12) Required angle of slope.

(a) All slopes shall be excavated to at least the angle illustrated in Tables N-1, N-3, and N-4 for the type of soil encountered, except for solid rock or compact shale which require no sloping under normal conditions.

(b) The angle of slope shall be flattened to the next required category when an excavation or trench is exposed to:

(i) Excessive water conditions;

(ii) Silty materials;

(iii) Loose boulders;

(iv) Areas where erosion, deep frost action, or slide planes appear.

(13) Storage of excavated material.

(a) In excavations or trenches which employees are required to enter, excavated or other material shall be stored and retained at least two feet or more away from the edge of the excavation or trench.

(b) Barriers or other effective retaining devices may be used to prevent excavated or other material from falling or rolling into the excavation or trench.

(14) Condition of protection materials. Materials used for sheeting, sheet piling, cribbing, bracing, shoring, and underpinning shall be in good serviceable condition, and timbers shall be sound, free of large or loose knots, and of proper dimensions in accordance with Table N-5.

(15) Temporary sheet piling. Temporary sheet piling which has been installed to permit the construction of a retaining wall shall not be removed until such retaining wall has acquired its full strength.

(16) Surface water control. Diversion ditches, dikes, or other suitable means shall be used to prevent surface water from entering an excavation or trench and to provide adequate drainage of the area adjacent to the excavation or trench. If necessary, pumps shall be used to minimize water from accumulating in the excavation or trench.

(17) Additional protection for excavations when equipment is nearby. If it is necessary to place or operate power shovels, backhoes, derricks, cranes, trucks, materials, or other heavy objects on a level above and closer laterally than the depth of the trench or excavation, the sides of the excavation or trench shall be sheet-piled, shored, or braced as necessary to resist the additional pressure due to such superimposed loads.

(18) Stop logs. When mobile equipment is utilized or allowed adjacent to excavations or trenches, substantial stop logs or barricades shall be installed, except that such equipment shall not be required for the equipment doing the actual excavating or backfilling operation.

(19) Physical barrier protection.

(a) Adequate physical barrier protection shall be provided at all remotely located excavations or trenches.

(b) All wells, pits, shafts, etc., shall be barricaded or covered.

(c) Upon completion of exploration and similar operations, temporary wells, pits, shafts, etc., shall be completely backfilled.

(20) Dust control. Dust conditions shall be minimized by the use of water, salt, calcium, oil, or other effective means.

(21) Air quality.

(a) In locations where an oxygen deficient atmosphere or gaseous conditions are possible, air in the excavation or trench shall be tested before entering.

(b) Controls as set forth in Part B and C of this chapter, shall be established to assure acceptable atmospheric conditions.

(c) When flammable gases are present, adequate ventilation shall be provided and sources of ignition shall be eliminated.

(d) Attended emergency rescue equipment, such as breathing apparatus, a safety harness with lifeline, basket stretcher, etc., shall be readily available where adverse atmospheric conditions may exist or develop in an excavation or trench.

(i) During such conditions a competent top person shall be in constant attendance.

(ii) It shall be the employer's responsibility to ensure that such top person has been thoroughly trained in emergency rescue procedures and that voice or visual contact shall be maintained with the person in the excavation or trench at all times until the hazardous condition no longer exists.

(22) Walkway and bridge requirements. Where employees or equipment cross over excavations or trenches, walkways or bridges with standard guardrails shall be provided. Such walkways or bridges shall be designed and constructed by qualified persons in accordance with accepted engineering requirements and practices.

(23) Ladders. All ladders used in excavations and trenches shall be in accordance with the requirements of Part J of this chapter.

(24) Backfilling. When excavations or trenches are made in locations adjacent to backfilled excavations or trenches. Additional precautions by way of shoring and bracing shall be taken to prevent slides or cave-ins.

(25) Ledge rock scaling. Excavations or trenches made in ledge rock or compact shale shall not require bracing or shoring but shall be inspected by a competent representative of the employer before each shift of work, at which time all loose, shattered, or disintegrated rock shall be removed from sides and face of excavation or trench.

(26) Report weakness in shoring. Workers shall be instructed to immediately report any signs or indications

of weakness of shoring or bracing in excavations or trenches.

(27) Safety equipment inspection. Any safety device or equipment needed in connection with excavation work or trenching shall be inspected, erected, and maintained in a safe condition for the duration of the operation.

(28) State and federal safety codes. Federal and state safety codes, rules, regulations and ordinances governing any and all phases of excavation work and trenching shall be observed at all times.

(29) Sidewalk clearance and shoring. Walkways, runways, and sidewalks shall be kept clear of excavated material or other obstructions and no sidewalks shall be undermined unless shored to carry a minimum live load of one hundred twenty-five pounds per square foot.

(30) Plank walkways. If planks are used for raised walkways, runways, or sidewalks.

(a) They shall be laid parallel to the length of the walk and fastened together against displacement.

(b) The planks shall be uniform in thickness and all exposed ends shall be provided with beveled cleats to prevent tripping.

(c) The planks shall have a safety factor of four times the intended loading.

(31) Raised walkways. Raised walkways, runways, and sidewalks shall be provided with plank steps on strong stringers. Ramps, used in lieu of steps, shall be provided with cleats to insure a safe walking surface.

(32) Personal protection. All employees shall be protected with personal protective equipment for the protection of head, eyes, respiratory organs, hands, feet, and other parts of the body as set forth in Part C of this chapter.

(33) Employees exposed to vehicles. Employees exposed to moving vehicles shall wear hard hats and warning vests of high visibility material, reflectorized at night. The requirements of WAC 296-155-300 through 296-155-315 apply.

(34) Protection from overhead hazards. No person shall be permitted under loads handled by power shovels, backhoes, draglines, derricks, hoists, or front end loaders. To avoid injury from spillage, employees, including the driver unless protected adequately by the cab, shall be required to stand away from any vehicle being loaded.

(35) Inspection. Inspections of excavations and trenches shall be made prior to each work shift by a competent person. If evidence of possible cave-ins or slides is apparent, all work in the excavation or trench shall cease until precautions have been taken to safeguard the employees.

(36) Excavation and trench exits. When employees are required to be in excavations or trenches four feet deep or more, an adequate means of exit, such as a ladder or steps, shall be provided and located so as to require no more than twenty-five feet of lateral travel. An earth ramp is acceptable providing:

(a) The stability of the earth is adequate for good footing.

(b) The total travel distance does not exceed twenty-five feet.

(c) The trench depth does not exceed fifteen feet.

(d) Adequate shoring or equivalent protection is provided for the entire escape route.

(37) Water main safeguards. When existing loop water mains are running laterally within two feet of the excavation or trench wall the valve the greatest distance from the work site shall be closed.

(a) The exact location of the open valve and the valve key shall be given to the workers before they enter the excavation or trench.

(b) The open valve location shall be marked and clear access to the valve maintained.

NEW SECTION

✓ WAC 296-155-65505 SEWAGE PIPING SYSTEM. (1) On sewage piping systems newly constructed (not yet in service) or those under construction, the following requirements meet the intent of chapter 296-62 WAC concerning confined space and ventilation.

(a) Internal combustion engines other than mobile diesel shall not be used. When mobile diesel powered equipment is used, the requirements of WAC 296-155-730(3) shall be complied with.

(b) A positive induced air flow that provides 200 C.F.M. at the work location.

(c) Prior to entry, a minimum of five air changes where oxygen deficiency may exist.

(d) Ten air changes where toxic or flammable material may be present.

(2) In confined spaces or limited egress situations there shall always be an observer or tie off person.

(3) For any person traveling through on a sled or working in small diameter pipe, the requirements listed below apply.

(a) Ventilation of the pipe run prior to entry.

(b) Radio communication link or use of lights for signaling.

(c) Positive means of retrieval.

NOTE: To make the air changes in subsection (1) of this section more practical to implement, it should be noted that inflatable blanks can be inserted on either side of the entered manhole just beyond the next manhole. In effect, where the activity is performed will be ventilated, but not necessarily the entire pipe length. When movement through the pipe is required, the required changes can be calculated based on the total run.

AMENDATORY SECTION (Amending Order 81-9, filed 6/17/81)

✓ WAC 296-155-660 SPECIFIC EXCAVATION REQUIREMENTS. (1) ~~((Prior to opening an excavation, effort shall be made to determine whether underground installations; i.e., sewer, telephone, water, fuel, electric lines, etc., will be encountered, and if so, where such underground installations are located. When the excavation approaches the estimated location of such an installation, the exact location shall be determined, and when it is uncovered, proper supports shall be provided for the existing installation. Utility companies shall be~~

contacted and advised of proposed work prior to the start of actual excavation:

(2) Trees, boulders, and other surface encumbrances, located so as to create a hazard to employees involved in excavation work or in the vicinity thereof at any time during operations, shall be removed or made safe before excavating is begun or continued.

(3) The walls and faces of all excavations in which employees are exposed to danger from moving ground, falling rocks, sluffing or sliding earth shall be guarded by a shoring system, sloping of the ground, or some other equivalent means. Sloping of the ground or the shoring system shall extend to the bottom of the excavation.

(4) Excavations shall be inspected by a competent person after every rainstorm or other hazard-increasing occurrence, and the protection against slides and cave-ins shall be increased if necessary.

(5) The determination of the angle of repose and design of the supporting system shall be based on careful evaluation of pertinent factors such as: Depth of cut; possible variation in water content of the material while the excavation is open; anticipated changes in materials from exposure to air, sun, water, or freezing; loading imposed by structures, equipment, overlying material, or stored material; and vibration from equipment, blasting, traffic or other sources.

(6) Supporting systems, i.e., piling, cribbing, shoring, etc., shall be designed by a qualified person and meet accepted engineering requirements. When tie rods are used to restrain the top of sheeting or other retaining systems, the rods shall be securely anchored well back of the angle of repose. When tight sheeting or sheet piling is used, full loading due to ground water table shall be assumed, unless prevented by weep holes or drains or other means. Additional stringers, ties, and bracing shall be provided to allow for any necessary temporary removal of individual supports. Excavation and lagging done in conjunction with soldier piles shall be completed in not more than eight foot lifts.

(7) All slopes shall be excavated to at least the angle of repose except for areas where solid rock allows for line drilling or presplitting. (Refer to Tables N-1 and N-5.)

(8) The angle of repose shall be flattened when an excavation has water conditions, silty materials, loose boulders, and areas where erosion, deep frost action, and slide planes appear.

(9)(a) In excavations which employees may be required to enter, excavated or other material shall be effectively stored and retained at least 2-feet or more from the edge of the excavation:

(b) As an alternative to the clearance prescribed in (a) of this subsection, the employer may use effective barriers or other effective retaining devices in lieu thereof in order to prevent excavated or other materials from falling into the excavation:

(10) Sides, slopes, and faces of all excavations shall meet accepted engineering requirements by scaling, benching, barricading, rock bolting, wire meshing, or other equally effective means. Special attention shall be given to slopes which may be adversely affected by weather or moisture content.

(11) Support systems shall be planned and designed by a qualified person when excavation is in excess of 20 feet in depth, adjacent to structures or improvements, or subject to vibration or ground water.

(12) Materials used for sheeting, sheet piling, cribbing, bracing, shoring, and underpinning shall be in good serviceable condition, and timbers shall be sound, free from large or loose knots, and of proper dimensions.

(13) Special precautions shall be taken in sloping or shoring the sides of excavations adjacent to a previously backfilled excavation or a fill, particularly when the separation is less than the depth of the excavation. Particular attention also shall be paid to joints and seams of material comprising a face and the slope of such seams and joints:

(14) The sides of every excavation four feet or more in depth, shall be supported by substantial sheet piling and bracing, or other effective means, or the sides of the excavation sloped to the angle of repose of the material being excavated. (In accordance with Tables N-1, N-2, N-3, N-4 and N-5.)

(15) Temporary sheet piling which has been installed to permit the construction of a retaining wall shall not be removed until such wall has acquired its full strength.

(16) Where workers are employed adjacent to an excavation on work other than that directly connected with the excavation, protection such as standard guardrails or other equivalent protection to prevent their falling into the excavation shall be provided for such workers as well as for the workers in the excavation.

(17) Except in hard rock, excavations below the level of the base of footing of any foundation or retaining wall shall not be permitted, unless the wall is underpinned and all other precautions taken to insure the stability of the adjacent walls for the protection of employees involved in excavation work or in the vicinity thereof.

(18) If the stability of adjoining buildings or walls is endangered by excavations or trenches, shoring, bracing, or underpinning shall be provided as necessary to insure their safety. Such shoring, bracing, or underpinning shall be inspected daily or more often, as conditions warrant, by a competent person and the protection effectively maintained.

(19) Diversion ditches, dikes, or other suitable means shall be used to prevent surface water from entering an excavation or trench and to provide adequate drainage of the area adjacent to the excavation or trench. If necessary, pumps shall be used to minimize water from accumulating in the excavation or trench.

(20) If it is necessary to place or operate power shovels, derricks, trucks, materials, or other heavy objects on a level above and near an excavation or trench, the side of the excavation or trench shall be sheet-piled, shored, or braced as necessary to resist the extra pressure due to such superimposed loads.

(21) Blasting and the use of explosives shall be performed in accordance with chapter 296-52 WAC.

(22) When mobile equipment is utilized or allowed adjacent to excavations or trenches, substantial stop logs or barricades shall be installed, except excavating and backfill equipment used during actual excavating or backfill operations.

~~(23) Adequate barrier physical protection shall be provided at all remotely located excavations or trenches. All wells, pits, shafts, etc., shall be barricaded or covered. Upon completion of exploration and similar operations, temporary wells, pits, shafts, etc., shall be backfilled.~~

~~(24) Dust conditions shall be kept to a minimum by the use of water, salt, calcium chloride, oil, or other means:~~

~~(25)(a) In locations where oxygen deficiency or gaseous conditions are possible, air in the excavation or trench shall be tested. Controls, as set forth in Parts B and C of this chapter, shall be established to assure acceptable atmospheric conditions. When flammable gases are present, adequate ventilation shall be provided and sources of ignition shall be eliminated. Attended emergency rescue equipment, such as breathing apparatus, a safety harness and line, basket stretcher, etc., shall be readily available where adverse atmospheric conditions may exist or develop in an excavation or trench. During these conditions a competent top person shall be in constant attendance:~~

~~(b) During the conditions stated in item (a) above, the top person shall maintain voice or visual contact with the person in the excavation or trench. It shall be the employer's responsibility to ensure that a top person remains in constant attention until such time as the aforementioned condition no longer exists:~~

~~(26) Where employees or equipment are required or permitted to cross over excavations or trenches, walkways or bridges with standard guardrails shall be provided:~~

~~(27) Where ramps are used for employees or equipment, they shall be designed and constructed by qualified persons in accordance with accepted engineering requirements:~~

~~(28) All ladders used on excavation or trenching operations shall be in accordance with the requirements of this chapter:~~

~~(29) Ramps or runways used for vehicles shall have a width of not less than four feet wider than the vehicle used and provided with timber guards not less than eight inches by eight inches, placed parallel to and secured to the sides of the runway as a protection to trucks or other equivalent protection shall be provided:~~

~~(30) All ramps and runways shall receive frequent inspection, and shall be maintained in a safe and serviceable condition:~~

~~(31) Workers shall be instructed to stay off ramps and runways when trucks are passing over them:~~

~~(32) When ramps and runways as referenced in subsection (29) of this section, are formed on hard ground without the use of planking, all ruts and holes shall be filled in, humps leveled off and the runway made as smooth as possible:~~

~~(33) Blocks used for pulling trucks up ramps shall be well anchored:)) Side, slope and face maintenance. Sides, slopes, and faces of all excavations shall meet accepted engineering requirements by scaling, benching, barricading, rock bolting, wire meshing, or other equally effective means. Special attention shall be given to slopes~~

which may be adversely affected by weather or moisture content.

(2) Special precautions for previously backfilled excavations. Special precautions shall be taken in sloping or shoring the sides of excavations adjacent to a previously backfilled excavation or a fill, particularly when the separation is less than the depth of the excavation. Particular attention shall also be given to joints and seams of material comprising a face, and the slope of such seams and joints.

(3) Work adjacent to excavations. Where workers are employed adjacent to an excavation on work other than that directly involving the excavation, protection such as standard guardrails or other equivalent protection to prevent their falling into the excavation shall be provided for such workers.

(4) Excavation below foundation. Except in solid rock, excavations below the level of the base of footing of any foundation or retaining wall, shall not be permitted, unless the wall is underpinned and all other precautions taken to insure the stability of the adjacent walls for the protection of employees involved in the excavation work or in the vicinity.

(5) Buildings adjacent to excavations. If the stability of adjoining buildings or walls is endangered by excavations, shoring, bracing, or underpinning shall be provided. Such shoring, bracing, or underpinning shall be inspected daily or more often, as conditions warrant. The inspections shall be made by a competent person and the protection effectively maintained.

(6) Ramps and runways.

(a) Ramps or runways used for vehicles shall be of a width of not less than four feet wider than the vehicle used and shall be provided with:

(i) Timber guards not less than eight inches by eight inches, placed parallel to and secured to the sides of the runway or ramp.

(ii) Berms on earthen ramps.

(iii) Other equivalent protection.

(b) All ramps and runways shall receive frequent inspection, and shall be maintained in a safe and serviceable condition.

(c) Workers shall stay off ramps and runways when trucks are passing over them.

(d) When ramps and runways are formed on hard ground without the use of planking, all ruts and holes shall be filled in, humps leveled off and the runway or ramp made smooth.

(7) Blasting and the use of explosives shall be performed in accordance with chapter 296-52 WAC, Safety standards for the possession, handling and use of explosives.

NEW SECTION

✓ WAC 296-155-66005 BORROW PITS. (1) When excavating equipment is used to remove earthen material from borrow pits.

(a) The pit walls shall be maintained in a condition to reduce the possibility of the walls sliding or caving in where employees could be exposed to the danger of moving ground.

(b) The pit walls shall be maintained at a height no greater than the maximum reach of the excavating machine.

(c) Employees on foot shall not be permitted to be in close proximity to the pit walls.

(d) Pit walls shall not be undermined.

(e) Wall control.

(i) The safe control of borrow pit walls, including the overall slope of the walls, shall be consistent with:

(A) Recognized engineering standards;

(B) The nature of the ground and the kind of material being excavated.

(ii) Excavation methods shall be selected which will ensure wall and bank stability including benching as necessary to obtain a safe overall slope in accordance with Table N-1.

AMENDATORY SECTION (Amending Order 85-09, filed 4/19/85)

~~WAC 296-155-665~~ **SPECIFIC TRENCHING REQUIREMENTS.** (1) ~~((As trench construction is a hazardous operation, particular attention shall be given to the protection of the worker, the protection to be governed by the nature of the ground.~~

~~(2) No one person shall be allowed to work alone in a trench over four feet in depth unless there is a top person in constant attendance. The top person shall be in addition to the equipment operator when the person in the trench is not in constant view of the equipment operator.~~

~~(3) Except in solid rock and compact shale, the sides of all trenches, including embankments, 4 feet or more in depth and 6 feet or more in length, shall be shored, sheeted, braced, sloped or otherwise supported by means of sufficient strength to protect the employees working within them. (See Tables N-1, N-2, N-3, N-4 and N-5.) Trenches less than 4 feet in depth and 6 feet or more in length, shall also be effectively protected when the ground indicates that hazardous ground movement is possible. (See Tables N-1, N-2, N-3, N-4 and N-5.)~~

~~(4) When the sloping to the angle of repose does not extend to the bottom of the trench, shoring shall be required to support the vertical part of the trench. The shoring shall extend above the bottom of the slope a minimum of 12 inches to prevent material from sliding into the trench.~~

~~(5) The surface of the slope shall be cleaned of boulders, stumps, or other hard masses of earth on the angle of repose slope to eliminate the danger of any such materials sliding or rolling into the trench.~~

~~(6) In hard or compact soil, when the outside diameter of the pipe to be laid is 6 feet or larger, the sides of the trench can be vertical at the bottom 4 feet of the trench, providing a 4 foot bench is provided immediately above the vertical portion, and the remaining portion of the trench above the bench is sloped to the angle of repose. (See Table N-4.)~~

~~(7) Materials used for sheeting and sheet piling, bracing, shoring, and underpinning, shall be in good serviceable condition, and timbers used shall be sound and free from large or loose knots, and shall be designed and installed so as to provide adequate personnel protection to the bottom of the excavation.~~

~~(8) Additional precautions by way of shoring and bracing shall be taken to prevent slides or cave-ins when excavations or trenches are made in locations adjacent to backfilled excavations or trenches, or where excavations or trenches are subjected to vibrations from railroad or highway traffic, the operation of machinery, or any other source.~~

~~(9) Where a mechanical digger is used, the bracing shall be placed as close as possible to the lower end of the boom.~~

~~(10) When trenches are undercut, they shall be shored as necessary to safely support the overhanging material.~~

~~(11) If for any reason prior to, during or subsequent to the placement of the trench bracing system, voids should form in the sides or face of excavation or trench, such voids shall be promptly filled with compacted material or blocking, as required to distribute the load uniformly onto the bracing system.~~

~~(12) If a trench is cut alongside an existing structure and the footings of the structure are nearer to the trench than the plane of repose for the soil, they shall be underpinned or the side wall of the trench rigidly supported.~~

~~(13) Excavations or trenches made in ledge rock or compact shale shall not require bracing or shoring but shall be inspected by a competent representative of the employer before each shift of work, at which time all loose, shattered or disintegrated rock shall be removed from sides and face of excavation or trench.~~

~~(14) Excavated material and superimposed loads shall not be placed nearer than two feet to the sides of the trench, unless bracing has been designed and installed to withstand the load.~~

~~(15) Employees entering bell-bottom pier holes shall be protected by the installation of a removable-type casing of sufficient strength to resist shifting of the surrounding earth. Such temporary protection shall be provided for the full depth of that part of each pier hole which is above the bell.~~

~~(16) A means of emergency egress shall be decided prior to personnel entering bell-bottom pier holes. Employees expected to enter bell-bottom pier holes shall be instructed as to the hazards of their respective jobs, and in the means of emergency egress.~~

~~NOTE: Example of protection: A lifeline, suitable for instant rescue and securely fastened to a shoulder harness, may be worn by each employee entering the shafts. This lifeline could be individually manned and separate from any line used to remove materials excavated from the bell footing.~~

~~(17)(a) Minimum requirements for trench timbering shall be in accordance with Table N-5.~~

~~(b) Braces and diagonal shores in a wood shoring system shall not be subjected to compressive stress in excess of values given by the following formula:~~

$$S = \frac{1300 \times 20L}{D}$$

$$\text{Maximum ratio} = \frac{L}{D} = 50$$

Where:

- L = Length, unsupported, in inches.
- D = Least side of the timber in inches.
- S = Allowable stress in pounds per square inch of cross-section.

(18) When employees are required to be in trenches 4 feet deep or more, an adequate means of exit, such as a ladder or steps, shall be provided and located so as to require no more than 25 feet of lateral travel. An earth ramp is acceptable providing: (a) The stability of the earth is adequate for good footing. (b) The total travel distance does not exceed 25 feet. (c) The trench depth does not exceed 15 feet. (d) Adequate shoring or equivalent protection is provided for the entire escape route.

(19) Bracing or shoring of trenches shall be carried along with the excavation.

(20) Cross braces or trench jacks shall be placed in true horizontal position, be spaced vertically, and be secured to prevent sliding, falling, or kickouts.

(21) Portable trench boxes or sliding trench shields may be used for the protection of personnel in lieu of a shoring system or sloping. Where such trench boxes or shields are used, they shall be designed, constructed, and maintained in a manner which will provide protection equal to or greater than the sheeting or shoring required for the trench.

(22) Backfilling and removal of trench supports shall progress together from the bottom of the trench. Jacks or braces shall be released slowly and, in unstable soil, ropes shall be used to pull out the jacks or braces from above after employees have cleared the trench.

(23) Signalpersons shall be employed to direct equipment when backfilling.

(24) The construction of temporary shoring work shall be done, or supervised, by a competent person, who shall make frequent inspections and issue instructions for its removal.

(25) Workers shall be instructed to immediately report any signs or indications of weakness of shoring or bracing.

(26) Trenching machines (ladder and rotary type). (a) Trenching machine operators shall not get on or off machine while in operation.

(b) Workers shall not work at sloping top of ditch near bucket line.

(c) Excavated material shall be conveyed to pile not closer than within 2 feet of edge of trench.

(d) Trucks hauling excavated material away from trenching machine shall not approach closer to the edge of trench than the trench depth from the surface of ground.

(e) Where side cutters are installed it will be mandatory that persons stay clear of bucket line.)) Trenches in excess of twenty feet deep. Support systems shall be planned and designed by a qualified person when trenches are to be in excess of twenty feet in depth, adjacent to structures or improvements, or subject to excessive vibration or ground water.

(2) Angle of repose requirements. When sloping to the angle of repose does not extend to the bottom of the trench, shoring shall be required to support the vertical part of the trench. The shoring shall extend above the bottom of the slope a minimum of twelve inches to prevent material from sliding or rolling into the trench. (See Table N-3.)

(3) Trenches for pipe six feet or larger in diameter. In compacted angular gravels or glacial till type soil, when the outside diameter of the pipe to be laid is six feet or larger, the sides of the trench can be vertical at the bottom four feet of the trench, providing a four foot bench is provided immediately above the vertical portion, and the remaining portion of the trench above the bench is sloped to the angle of repose. (See Table N-4.)

(4) Mechanical diggers. When a mechanical digger is used, the bracing or shoring shall be placed as close as possible to the lower end of the boom. (See subsection (12) of this section.)

(5) Undercut trenches. When trenches are undercut, they shall be shored and braced to safely support the overhanging material.

(6) Voids. If for any reason prior to, during, or subsequent to the placement of the trench shoring or bracing system, voids should form in the sides or face of the trench, such voids shall be promptly filled with compacted material or blocking, as required, to distribute the load uniformly onto the shoring or bracing system.

(7) Trenches adjacent to structures. If a trench is cut alongside an existing structure and the footings of the structure are nearer to the trench than the plane of repose for the soil, they shall be underpinned or the side wall of the trench rigidly supported.

(8) Bell-bottomed pier holes.

(a) Employees entering bell-bottomed pier holes shall be protected by the installation of a removable-type casing of sufficient strength to resist shifting of the surrounding earth. Such temporary protection shall be provided for the full depth of that part of each pier hole which is above the bell.

(b) A means of emergency egress shall be decided prior to personnel entering bell-bottom pier holes. Employees expected to enter bell-bottom pier holes shall be instructed as to the hazards of their respective duties, and in the means of emergency egress.

NOTE: Example of protection: A lifeline, suitable for instant rescue and securely fastened to a shoulder harness, shall be worn by each employee entering the shaft or pier hole. This lifeline shall be individually manned and separate from any line used to remove materials excavated from the bell footing.

(9)(a) Trench shoring and bracing specifications. Minimum requirements for trench shoring or bracing shall be in accordance with Tables N-2 and N-5.

(b) Braces and diagonal shores in a wood shoring system shall not be subjected to compressive stress in excess of values given by the following formula:

$$S = 1300 - \frac{20L}{D}$$

$$\text{Maximum ratio } \frac{L}{D} = 50$$

Where:

- L = Length, unsupported, in inches.
- D = Least side of the timber in inches.
- S = Allowable stress in pounds per square inch of cross-section.

(10) Cross braces. Cross braces or trench jacks shall be placed in true horizontal position, be spaced vertically, and be secured to prevent sliding, falling or kickouts.

(11) Trench boxes. Portable trench boxes or sliding trench shields may be used for the protection of personnel in lieu of a shoring system or sloping. Where such trench boxes or shields are used, they shall be designed, constructed, and maintained in a manner which will provide protection equal to or greater than sheeting or shoring.

(12) Backfilling. Backfilling and removal of trench supports shall progress together from the bottom of the trench. Jacks or braces shall be released slowly. Ropes shall be used to pull out the jacks or braces from above after employees have cleared the trench.

(13) Signalpersons. Signalpersons shall be employed to direct equipment when backfilling.

(14) Temporary shoring. The construction of temporary shoring work shall be done, or supervised, by a competent person, who shall make frequent inspections and issue instructions for its removal.

(15) Trenching machines (ladder and rotary type).

(a) Trenching machine operators shall not get on or off the machine while in operation.

(b) Workers shall not work at sloping the top of ditch near the bucket line.

(c) Excavated material shall be conveyed to a pile not closer than two feet of the edge of the trench.

(d) Trucks hauling excavated material away from a trenching machine shall not approach closer to the edge of trench laterally than the trench depth.

(e) Where side cutters are installed, it is mandatory that persons stay clear of the bucket line.

(16) Blasting and the use of explosives shall be performed in accordance with chapter 296-52 WAC, Safety Standards for the Possession, Handling and Use of Explosives.

AMENDATORY SECTION (Amending Order 82-22, filed 6/11/82)

✓ WAC 296-155-66501 TABLE N-1.

NOTE: Clays, silts, loams or non-homogeneous soils require shoring and bracing. The presence of ground water requires special treatment.

Well Rounded Loose Sand 2 - 1 (85°30')

Compacted Sharp Sand 1 1/2 - 1 (33°41')

Recommended Slope for Average Soils 1 - 1 (45°)

Compacted Angular or Gravelly-Silt. at 1 1/2 1 (63°26')

Solid Rock & Compact Shale (90°)

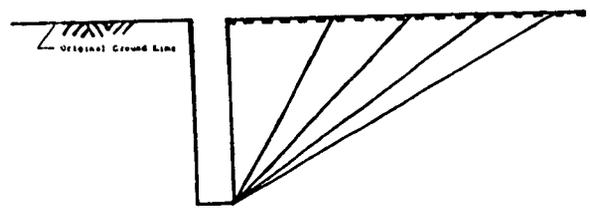


TABLE N-1

((MINIMUM ANGLE OF REPOSE For Sloping of Sides of Excavation and/or Trenches

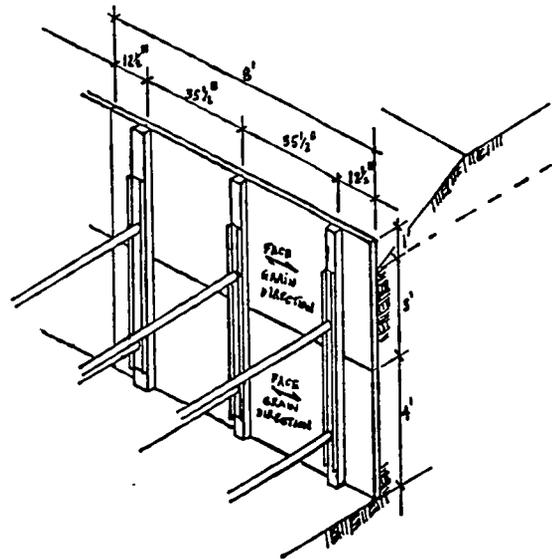
NOTE: Clays, silts, loams or non-homogeneous soils require shoring and bracing.

The presence of ground water requires special treatment.) Minimum Required Degrees of Slope for Different Types of Soil Encountered for Excavations and Trenches.

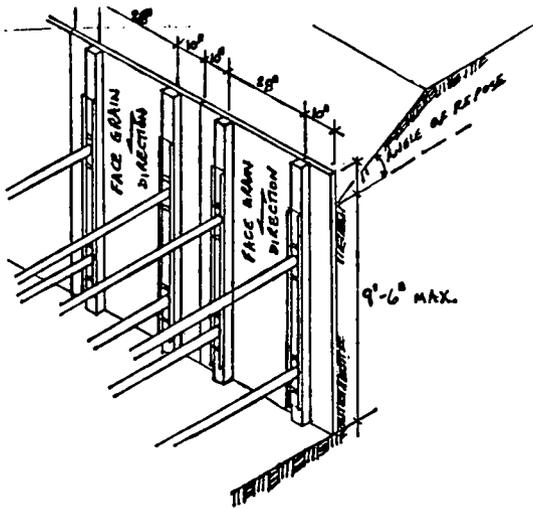
✓ WAC 296-155-66502 TABLE N-2.

TABLE N-2

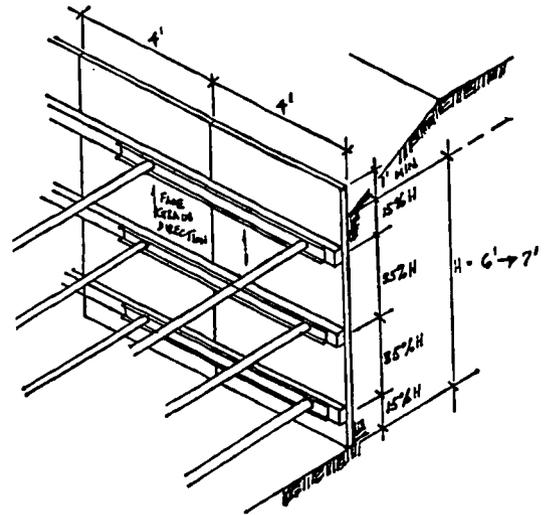
TYPICAL SHORING EXAMPLES



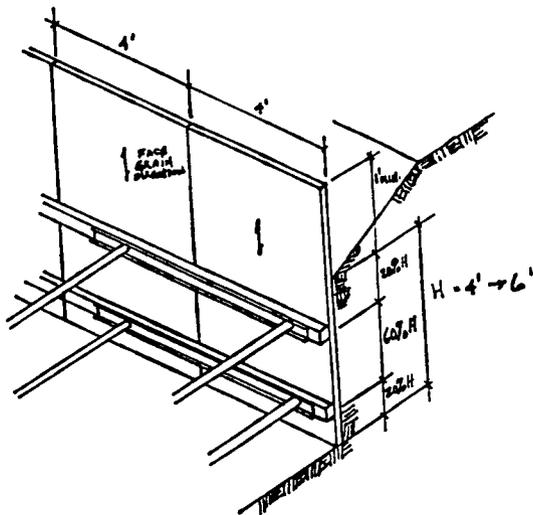
Plywood Supports Vertical
Plywood Face Grain Horizontal



Plywood Supports Vertical
Plywood Face Grain Vertical



Plywood Supports Horizontal
Plywood Face Grain Vertical



Plywood Supports Horizontal
Plywood Face Grain Vertical

Plywood shall have a minimum thickness of 1-1/8 inches and be APA rated Sturd-I-Floor, 48 o.c. 2-4-1 grade, or equivalent.

Example: For a 5 foot trench, the horizontal cross bracing shall be placed 20% or 1 foot from the top and bottom of the trench leaving 60% or 3 feet between the cross braces.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

✓ **WAC 296-155-680 GENERAL PROVISIONS.**

(1) General. All equipment ((and)), material((s)) and construction techniques used in concrete construction and masonry work shall meet the applicable requirements for design, construction, inspection, testing, maintenance and operations as prescribed in ANSI A10.9-1970 and ANSI A12.3.1-1970, Safety Requirements for Concrete Construction and Masonry Work.

(2) Reinforcing steel. (a) Employees working more than 6 feet above any adjacent working surfaces, placing and tying reinforcing steel in walls, piers, columns, etc., shall use a safety belt, or equivalent device, in accordance with part C of this chapter.

(b) Employees shall not be permitted to work above vertically protruding reinforcing steel unless it has been protected to eliminate the hazard of impalement.

(c) Guying: Reinforcing steel for walls, piers, columns, and similar vertical structures shall be guyed and supported to prevent collapse.

(d) Wire mesh rolls: Wire mesh rolls shall be secured at each end to prevent dangerous recoiling action.

(3) Bulk concrete handling. Bulk storage bins, containers, or silos shall have conical or tapered bottoms with mechanical or pneumatic means of starting the flow of material.

(4) Concrete placement. (a) Concrete mixers. Concrete mixers equipped with 1-yard or larger loading skips shall be equipped with a mechanical device to clear the skip of material.

(b) Guardrails. Mixers of 1-yard capacity or greater shall be equipped with protective guardrails installed on each side of the skip.

(c) Bull floats. Handles on bull floats, used where they may contact energized electrical conductors, shall be constructed of nonconductive material, or insulated with a nonconductive sheath whose electrical and mechanical characteristics provide the equivalent protection of a handle constructed of nonconductive material.

(d) Powered concrete trowels. Powered and rotating-type concrete troweling machines that are manually guided shall be equipped with a control switch that will automatically shut off the power whenever the operator removes his hands from the equipment handles.

(e) Concrete buggies. Handles of buggies shall not extend beyond the wheels on either side of the buggy.

NOTE: Installation of knuckle guards on buggy handles is recommended.

(f) ((Pumpcrete)) Concrete finishing. (i) Scaffolding for use of cement finishers shall comply with all applicable sections of WAC 296-155-485.

(ii) Where grinders, chippers and other equipment is used which creates a thrust force while working on scaffolding, such scaffold shall be securely tied to structure or held in with weighted drop lines.

(iii) Grinding and dressing operations carried on within closed rooms, stairwells, elevator shafts, etc., shall be provided with forced air ventilation.

(iv) Grinding machine operators shall wear respirators whenever machines are in operation or where dust hazard exists.

(v) Eye protection shall be worn by workers engaged in grinding, chipping or sacking concrete as required by WAC 296-155-215.

(g) Concrete pumping systems. (i) The employer shall comply with the manufacturer's specifications and limitations applicable to the operation of pumpcrete or similar systems. Where manufacturer's specifications are not available, the limitations assigned to the equipment shall be based on the determinations of a qualified engineer, competent in this field, and such determinations will be appropriately documented and recorded.

(ii) Rated load capacities, and recommended operating speeds and pressures, special hazard warnings, or instructions, shall be conspicuously posted on all equipment. Instructions and warnings shall be visible to the operator while he is at his control station.

(iii) Discharge pipes shall be provided with pipe supports designed for 100 percent overload.

(iv) The hose used to carry concrete in such systems shall be provided with positive fail-safe joint connectors to prevent separation of sections when pressurized.

(v) Hoses and/or pipes used to carry concrete under pressure shall be secured one to the other with an adequate length of at least 1/4 inch diameter chain or cable

to prevent whipping in the event of an accidental separation of joints. All system safety pins shall be in place during pumping operations.

(vi) The employer shall designate a competent person who shall inspect all machinery, equipment, and accessories prior to each use, and periodically during use, to make sure it is in safe operating condition. Any deficiencies shall be repaired, or defective parts replaced, before continued use.

(vii) A thorough, annual inspection of the equipment, including x-ray of booms, shall be made by a competent person, or by a government or private agency recognized by the department. The employer shall maintain a permanent record of the dates and results of annual inspections for each pumpcrete system.

(viii) All welding shall conform to ASW B3.0-41 Standard Qualification Procedure; AWS D8.4-61 Recommended Practices for Automotive Welding Design; or AWS D10.9-69 Standard Qualification of Welding Procedures and Welders for Piping and Tubing.

(ix) Booms shall not be used for operations other than that for which they are designed.

((g)) (h) Concrete buckets. (i) Concrete buckets equipped with hydraulic or pneumatically operated gates shall have positive safety latches or similar safety devices installed to prevent aggregate and loose material from accumulating on the top and sides of the bucket.

(ii) Riding of concrete buckets for any purpose shall be prohibited, and vibrator crews shall be kept out from under concrete buckets suspended from cranes or cableways.

((h)) (i) When discharging on a slope, the wheels of ready-mix trucks shall be blocked and the brakes set to prevent movement.

((i)) (j) Runways shall be constructed to carry the maximum contemplated load with a safety factor of four, have a smooth running surface and be of sufficient width for two buggies to pass. Single runs to have a minimum width of 42 inches with turnouts. Runways to have standard railings. Where motor driven concrete buggies are used, a minimum 4" x 4" wheel guard shall be securely fastened to outside edge of runways.

((j)) (k) Nozzlemen applying a cement, sand, and water mixture through a pneumatic hose shall be required to wear protective head and face equipment, as prescribed in Part C of this chapter.

(5) Vertical shoring. (a) General requirements. (i) When temporary storage of reinforcing rods, material, or equipment on top of formwork becomes necessary, these areas shall be strengthened to meet the intended loads.

(ii) The sills for shoring shall be sound, rigid, and capable of carrying the maximum intended load without settlement or displacement.

(iii) All shoring equipment shall be inspected prior to erection to determine that it is as specified in the shoring layout. Any equipment found to be damaged shall not be used for shoring.

(iv) Erected shoring equipment shall be inspected immediately prior to, during, and immediately after the placement of concrete. Any shoring equipment that is

found to be damaged or weakened shall be immediately reinforced or reshored.

(v) Reshoring shall be provided when necessary to safely support slabs and beams after stripping, or where such members are subjected to superimposed loads due to construction work done.

(b) Tubular welded frame shoring. (i) Metal tubular frames used for shoring shall not be loaded beyond the safe working load recommended by the manufacturer.

(ii) All locking devices on frames and braces shall be in good working order; coupling pins shall align the frame or panel legs; pivoted cross braces shall have their center pivot in place; and all components shall be in a condition similar to that of original manufacture.

(iii) When checking the erected shoring frames with the shoring layout, the spacing between towers and cross brace spacing shall not exceed that shown on the layout, and all locking devices shall be in the closed position.

(iv) Devices for attaching the external lateral stability bracing shall be securely fastened to the legs of the shoring frames.

(v) All baseplates, shore heads, extension devices, or adjustment screws shall be in firm contact with the footing sill and the form.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-690 FORMS AND SHORING.

(1) General provisions.

(a) Formwork and shoring shall be designed, erected, supported, braced, and maintained so that it will safely support all vertical and lateral loads that may be imposed upon it during placement of concrete.

(b) Drawings or plans showing the jack layout, formwork, shoring, working decks, and scaffolding, shall be available at the jobsite.

(c) Stripped forms and shoring shall be removed and stockpiled promptly after stripping, in all areas in which persons are required to work or pass. Protruding nails, wire ties, and other form accessories not necessary to subsequent work shall be pulled, cut, or other means taken to eliminate the hazard.

(d) Imposition of any construction loads on the partially completed structure shall not be permitted unless such loading has been considered in the design and approved by the engineer-architect.

~~((2) Vertical slip forms. (a) The steel rods or pipe on which the jacks climb or by which the forms are lifted shall be specifically designed for the purpose. Such rods shall be adequately braced where not encased in concrete.~~

~~(b) Jacks and vertical supports shall be positioned in such a manner that the vertical loads are distributed equally and do not exceed the capacity of the jacks.~~

~~(c) The jacks or other lifting devices shall be provided with mechanical dogs or other automatic holding devices to provide protection in case of failure of the power supply or the lifting mechanism.~~

~~(d) Lifting shall proceed steadily and uniformly and shall not exceed the predetermined safe rate of lift.~~

~~(e) Lateral and diagonal bracing of the forms shall be provided to prevent excessive distortion of the structure during the jacking operation.~~

~~(f) During jacking operations, the form structure shall be maintained in line and plumb.~~

~~(g) All vertical lift forms shall be provided with scaffolding or work platforms completely encircling the area of placement.~~

~~(3) Tube and coupler shoring. (a) Couplers (clamps) shall not be used if they are deformed, broken, or have defective or missing threads on bolts, or other defects.~~

~~(b) The material used for the couplers (clamps) shall be of a structural type such as drop-forged steel, malleable iron, or structural grade aluminum. Gray cast iron shall not be used.~~

~~(c) When checking the erected shoring towers with the shoring layout, the spacing between posts shall not exceed that shown on the layout, and all interlocking of tubular members and tightness of couplers shall be checked.~~

~~(d) All baseplates, shore heads, extension devices, or adjustment screws shall be in firm contact with the footing sill and the form material and shall be snug against the posts.~~

~~(4) Single post shores. (a) For stability, single post shores shall be horizontally braced in both the longitudinal and transverse directions, and diagonal bracing shall also be installed. Such bracing shall be installed as the shores are being erected.~~

~~(b) All baseplates or shore heads of single post shores shall be in firm contact with the footing sill and the form materials.~~

~~(c) Whenever single post shores are used in more than one tier, the layout shall be designed and inspected by a structural engineer.~~

~~(d) When formwork is at an angle, or sloping, or when the surface shored from is sloping, the shoring shall be designed for such loading.~~

~~(e) Adjustment of single post shores to raise formwork shall not be made after concrete is in place.~~

~~(f) Fabricated single post shores shall not be used if heavily rusted, bent, dented, rewelded, or having broken weldments or other defects. If they contain timber, they shall not be used if timber is split, cut, has sections removed, is rotted, or otherwise structurally damaged.~~

~~(g) All timber and adjusting devices to be used for adjustable timber single post shores shall be inspected before erection.~~

~~(h) Timber shall not be used if it is split, cut, has sections removed, is rotted, or is otherwise structurally damaged.~~

~~(i) Adjusting devices shall not be used if heavily rusted, bent, dented, rewelded, or having broken weldments or other defects.~~

~~(j) All nails used to secure bracing or adjustable timber single post shores shall be driven home and the point of the nail bent over if possible.) (e) When employees are present, watchmen or fireguards shall be provided where salamanders or similar heaters are used to provide winter protection.~~

~~(f) Where tarpaulins or other flammable materials are used to form protective enclosures for winter protection,~~

the material shall be fire-resistant and installed so as to prevent contact with the heating unit.

(g) Form supports and wedges shall be checked during concrete placement to prevent distortion or failure.

(2) Form design.

(a) Any form, regardless of size, shall be planned in every particular and designed and constructed with an adequate factor of safety. In addition to computable loading, additional form pressures may result from impact during concrete placement, sudden lowering of temperatures retarding the set and increasing the liquid head or static pressure, vibrations of the form or concrete, uneven stressing resulting from failure or weakening of form members, or impact from concrete buckets or placing equipment. As a result, an adequate factor of safety is required to offset these unpredictable conditions.

(b) The thoroughness of planning and design shall be governed by the size, complexity, and intended use of the form. Formwork which is complex in nature or which will be subjected to unusually high concrete pressures shall be designed or approved for use by an engineer or experienced form designer.

(3) Loads.

(a) Vertical loads. Vertical loads consist of a dead load plus an allowance for live load. The weight of formwork together with the weight of freshly placed concrete is dead load. The live load consists of the weight of workmen, equipment, runways, and impact, and shall be computed in pounds per square foot (psf) of horizontal projection.

(b) Lateral loads. Braces and shores shall be designed to resist all foreseeable lateral loads such as wind, cable tensions, inclined supports, impact of placement, and starting and stopping of equipment. The assumed value of load due to wind, impact of concrete, and equipment acting in any direction at each floor line shall not be less than one hundred pounds per lineal foot of floor edge or two percent of total dead load of the floor, whichever is greater. Wall forms shall be designed for a minimum wind load of 10 psf, and bracing for wall forms should be designed for a lateral load of at least one hundred pounds per lineal foot of wall, applied at the top. Walls of unusual height require special consideration.

(c) Special loads. Formwork shall be designed for all special conditions of construction likely to occur, such as unsymmetrical placement of concrete, impact of machine-delivered concrete, uplift, and concentrated loads.

(d) Construction loads. Imposition of any construction loads on the partially completed structure shall not be permitted unless such loading has been considered in the design and approved by the engineer-architect.

(4) Placing and removal of forms.

(a) When moved or raised by crane, cableway, A-frame, or similar mechanical device, forms shall be securely attached to wire rope slings having a minimum safety factor of 5. Use of No. 9 tie wire, fiber rope, and similar makeshift lashing shall be prohibited.

(b) Taglines shall be used in moving panels or other large sections of forms by crane or hoist.

(c) All hoisting equipment, including hoisting cable used to raise and move forms shall have a minimum

safety factor incorporated in the manufacturer's design, and the manufacturer's recommended loading shall not be exceeded. Field-fabricated or shop-fabricated hoisting equipment shall be designed or approved by a registered professional engineer, incorporating a minimum safety factor of five in its design. Panels and built-up form sections shall be equipped with metal hoisting brackets for attachment of slings.

(d) Forms intended for use where there is a free fall of over ten feet shall be equipped with adequate scaffolding and guardrails, or employees working on the forms shall be required to wear safety belts during forming and stripping operations.

(e) Vertical forms being raised or removed in sections shall not be released until adequately braced or secured. Overhead forms shall not be released until adequately braced or secured.

(f) Workmen or others at lower levels shall be protected from falling materials. Appropriate warning signs shall be erected along walkways.

(g) Forms shall not be removed until the concrete is cured. The concrete shall be adequately set in order to permit safe removal of the forms, shoring, and bracing. Engineer's specifications and local building codes shall be adhered to in determining the length of time forms should remain in place following concrete placement. In addition, tests shall be made on field-cured concrete specimens in order to insure that concrete has obtained sufficient strength to safely support the load prior to removal of forms.

(5) Vertical slip forms.

(a) Slip forms shall be designed and constructed, and the form movement carried out, under the immediate supervision of a person or persons experienced in slip form design and operation. Drawings prepared by a qualified engineer, showing the jack layout, formwork, working decks, and scaffolding, shall be available at the jobsite, and followed.

(b) The steel rods or pipe on which the jacks climb or by which the forms are lifted shall be designed for the purpose. Such rods must be adequately braced where not encased in concrete.

(c) Jacks and vertical supports shall be positioned in such a manner that the vertical loads are distributed equally and do not exceed the capacity of the jacks.

(d) The jacks or other lifting devices shall be provided with mechanical dogs or other automatic holding devices to protect against failure of the power supply or the lifting mechanism.

(e) Lifting shall proceed steadily and uniformly and shall not exceed the predetermined safe rate of lift. A jacking system, which provides precise, simultaneous movement of the entire form in small preselected increments, is recommended for large structures.

(f) Lateral and diagonal bracing of the forms shall be provided to prevent excessive distortion of the structure during the sliding operation.

(g) While the slide is in operation, the form structure shall be maintained in line and plumb.

(h) A field supervisor experienced in slipform construction shall be present on the deck at all times.

(i) All vertical lift forms shall be provided with scaffolding or work platforms completely encircling the area of placement.

(j) Workmen placing reinforcing steel shall wear safety belts tied off by lanyards or otherwise securely fastened when working above the scaffold level.

(k) The total allowable load on slip form platforms shall be determined by the design engineer and enforced by the field supervisor.

(6) Vertical shoring.

(a) Shoring installations constructed in accordance with this standard shall be designed in accordance with American National Standard Recommended Practice for Concrete Formwork, ANSI-(ACI 347-68) or with the following publications of the Scaffolding & Shoring Institute: Recommended Standard Safety Code for Vertical Shoring, 1970; Single Post Shore Safety Rules, 1969; and Steel Frame Shoring Safety Rules, 1969.

(b) The shoring layout shall include all details of the specification, including unusual conditions such as heavy beams, sloping areas, ramps, and cantilevered slabs, as well as plan and elevation views.

(c) A copy of the shoring layout shall be available at the jobsite.

(d) A shoring layout shall be prepared or approved by a person qualified to analyze the loadings and stresses which are induced during the construction process.

(e) The minimum total design load for any shoring used in slab and beam structures shall be not less than one hundred pounds per square foot for the combined live and dead load regardless of slab thickness; however, the minimum allowance for live load and formwork shall be not less than twenty pounds per square foot in addition to the weight of the concrete. Additional allowance for live load shall be added for special conditions other than when placing concrete for standard-type slabs and beams. Shoring shall also be designed to resist all foreseeable lateral loads such as wind, cable tensions, inclined supports, impact of placement, and starting and stopping of equipment. The assumed value of load due to wind, impact of concrete, and equipment acting in any direction at each floor line shall not be less than one hundred pounds per lineal foot of floor edge or two percent of total dead load of the floor, whichever is greater. (See subsection (3)(b) of this section).

(f) When motorized carts are used, the design load shall be increased twenty-five pounds per square foot.

(g) The design stresses for form lumber and timbers shall be within the tolerance of the grade, condition, and species of lumber used.

(h) The design stresses used for form lumber and timber shall be shown on all drawings, specifications, and shoring layouts.

(i) All load-carrying timber members of scaffold framing shall be a minimum of 1500 f (Stress Grade) construction grade lumber. All dimensions are nominal sizes except that where rough sizes are noted, only rough or undressed lumber of the size specified shall satisfy minimum requirements.

(j) The sills for shoring shall be sound, rigid, and capable of carrying the maximum intended load without settlement or displacement.

(k) When shoring from soil, an engineer or other qualified person shall determine that the soil is adequate to support the loads which are to be placed on it.

(l) Precautions shall be taken so that weather conditions do not change the load-carrying conditions of the soil below the design minimum.

(m) When shoring from fill or when excessive earth disturbance has occurred, an engineer or other qualified person shall supervise the compaction and reworking of the disturbed area and determine that it is capable of carrying the loads which are to be imposed upon it.

(n) Suitable sills shall be used on a pan or grid dome floor or any other floor system involving voids where vertical shoring equipment could concentrate an excessive load on a thin concrete section.

(o) When temporary storage of reinforcing rods, material, or equipment on top of formwork becomes necessary, these areas shall be sufficient to meet the loads.

(p) All shoring equipment shall be inspected prior to erection to determine that it is as specified in the shoring layout.

(q) Any equipment found to be damaged shall not be used for shoring.

(r) Erected shoring equipment shall be inspected immediately prior to, during, and immediately after the placement of concrete.

(s) If any deviation in the shoring plan is necessary because of field conditions, the person who prepared the shoring layout shall be consulted for his approval of the actual field setup before concrete is placed.

(t) The shoring setup shall be checked to insure that all details of the layout have been met.

(u) The completed shoring setup shall be a homogeneous unit or units and shall have the specified bracing to give it lateral stability.

(v) The shoring setup shall be checked to make certain that bracing specified in the shoring layout for lateral stability is in place.

(w) All vertical shoring equipment shall be plumb. Maximum allowable deviation from the vertical is one-eighth inch in three feet. If this tolerance is exceeded, the shoring equipment shall not be used until readjusted within this limit.

(x) Upon inspection, shoring equipment that is found to be damaged or weakened shall be immediately removed and replaced.

(y) Shoring equipment shall not be released or removed until the approval of a qualified engineer has been received.

(z) Removal of shoring equipment shall be planned so that the equipment which is still in place is not overloaded.

(7) Additional vertical shoring requirements.

(a) Slabs or beams which are to be reshored should be allowed to take their actual permanent deflection before final adjustment of reshoring equipment is made.

(b) While the reshoring is underway, no construction loads shall be permitted on the partially-cured concrete.

(c) The allowable load on the supporting slab shall not be exceeded when reshoring.

(d) The reshoring shall be thoroughly checked to determine that it is properly placed and that it has the load capacity to support the areas that are being reshored.

(8) Tubular welded frame shoring.

(a) Metal tubular frames used for shoring shall have allowable loads based on tests conducted according to the Recommended Procedure for Compression Testing of Scaffolds and Shores, Scaffolding & Shoring Institute, 1967.

(b) Design of shoring layouts shall be based on allowable loads which were obtained using the test procedures of (a) of this subsection and on at least a 2.5 to 1 safety factor.

(c) All metal frame shoring equipment shall be inspected before erection.

(d) Metal frame shoring equipment and accessories shall not be used if heavily rusted, bent, dented, rewelded, or having broken weldments or other defects.

(e) All locking devices on frames and braces shall be in good working order, coupling pins shall align the frame or panel legs, pivoted cross braces shall have their center pivot in place, and all components shall be in a condition similar to that of original manufacture.

(f) When checking the erected shoring frames with the shoring layout, the spacing between towers and cross brace spacing shall not exceed that shown on the layout, and all locking devices shall be in the closed position.

(g) Devices for attaching the external lateral stability bracing shall be securely fastened to the legs of the shoring frames.

(h) All baseplates, shoreheads, extension devices, or adjustment screws shall be in firm contact with the footing sill and the form material, and shall be snug against the legs of the frames.

(i) Eccentric loads on shore heads and similar members shall be prohibited unless the shore heads have been designed for such loading.

(j) When formwork is installed at an angle, or sloping, or when the surface shored from is sloping, the shoring shall be designed for such loading.

(k) Adjustment screws shall not be adjusted to raise formwork after the concrete is in place.

(9) Tube and coupler shoring.

(a) Tube and coupler towers used for shoring shall have allowable loads based on tests conducted according to the Recommended Procedure for Compression Testing of Scaffolds and Shores, Scaffolding & Shoring Institute, 1967.

(b) Design of shoring layouts shall be based on working loads which were obtained using the test procedures of (a) of this subsection and on at least a 2.5 to 1 safety factor.

(c) All tube and coupler components shall be inspected before being used.

(d) Tubes of shoring structures shall not be used if heavily rusted, bent, dented, or having other defects.

(e) Couplers (clamps) shall not be used if deformed, broken, or having defective or missing threads on bolts, or other defects.

(f) The material used for the couplers (clamps) shall be of a structural type such as drop-forged steel, malleable iron, or structural grade aluminum. Gray cast iron shall not be used.

(g) When checking the erected shoring towers with the shoring layout, the spacing between posts shall not exceed that shown on the layout, and all interlocking of tubular members and tightness of couplers should be checked.

(h) All baseplates, shore heads, extension devices, or adjustment screws shall be in firm contact with the footing sill and the form material, and shall be snug against the posts.

(i) Eccentric loads on shore heads and similar members shall be prohibited unless the shore heads have been designed for such loading.

(j) Special precautions shall be taken when formwork is at angles, or sloping, or when the surface shored from is sloping.

(k) Adjustment screws shall not be adjusted to raise formwork after the concrete is in place.

(10) Single post shores.

(a) When checking erected single post shores with the shoring layout, the spacing between shores in either direction shall not exceed that shown on the layout, and all clamps, screws, pins, and all other components shall be in the closed or engaged position.

(b) For stability, single post shores shall be horizontally braced in both the longitudinal and transverse directions. Diagonal bracing shall also be installed. Such bracing shall be installed as the shores are being erected.

(c) Devices which attach to the external lateral stability bracing shall be securely fastened to the single post shores.

(d) All baseplates or shore heads of single post shores shall be in firm contact with the footing sill and the form material.

(e) Whenever single post shores are used in more than one tier, the layout shall be designed and inspected by a structural engineer.

(f) Eccentric loads on shore heads shall be prohibited unless the shore heads have been designed for such loading.

(g) When formwork is at an angle, or sloping, or when the surface shored from is sloping, the shoring shall be designed for such loading.

(h) Adjustment of single post shores to raise formwork shall not be made after concrete is in place.

(i) Respecting fabricated single post shores, the following shall apply:

(i) The clamp used for adjustable timber single post shores shall have working load ratings based on tests conducted according to the standard test procedures for fabricated single post shores in Recommended Procedure for Compression Testing of Scaffolds and Shores, Scaffolding & Shoring Institute, 1967, and on at least a 3 to 1 safety factor.

(ii) Shoring layouts shall be made using working loads which were obtained using the test procedures of (i)(i) of this subsection, and on at least a 3 to 1 safety factor.

(iii) All fabricated single post shores shall be inspected before being used.

(iv) Fabricated single post shores shall not be used if heavily rusted, bent, dented, rewelded, or having broken weldments or other defects. If they contain timber, they shall not be used if timber is split, cut, has sections removed, is rotted, or otherwise structurally damaged.

(v) All clamps, screws, pins, threads, and all other components shall be in a condition similar to that of original manufacture.

(j) Respecting adjustable timber single post shores, the following shall apply:

(i) The clamp used for adjustable timber single post shores shall have working load ratings based on tests conducted according to the standard test procedures for fabricated single post shores in Recommended Procedure for Compression Testing of Scaffolds and Shores, Scaffolding & Shoring Institute, 1967, and on at least a 3 to 1 safety factor.

(ii) Timber used shall have the safety factor and allowable working load for each grade and species as recommended in the Tables for wooden columns in the Wood Structural Design Data Book, National Forest Products Association, 1970.

(iii) The shoring layout shall be made using the allowable load obtained by using the test procedure for the clamp or Tables for timber referred to in (j)(i) and (ii) of this subsection.

(iv) All timber and adjusting devices to be used for adjustable timber single post shores shall be inspected before erection.

(v) Timber shall not be used if it is split, cut, has sections removed, is rotted, or is otherwise structurally damaged.

(vi) Adjusting devices shall not be used if heavily rusted, bent, dented, rewelded, or having broken weldments or other defects.

(vii) All nails used to secure bracing on adjustable timber single post shores shall be driven home and the point of the nail bent over.

(k) Respecting timber single post shores, the following shall apply:

(i) Timber used as single post shores shall have the safety factor and allowable working load for each grade and species as recommended in the Tables for wooden columns in the Wood Structural Design Data Book, National Forest Products Association, 1970.

(ii) The shoring layout shall be prepared by using working loads obtained by using the Tables referred to in (k)(i) of this subsection.

(iii) All timber to be used for single post shoring shall be inspected before erection.

(iv) Timber shall not be used if it is split, cut, has sections removed, is rotted, or is otherwise structurally damaged.

(v) All nails used to secure bracing on timber single post shores shall be driven home and the point of the nail bent over.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

✓ WAC 296-155-695 ((~~TLT-UP TYPE~~)) MISCELLANEOUS CONCRETE CONSTRUCTION. (1) ((It shall be the responsibility of the contractor to use

~~accessories which are designed to be compatible and to use lifting eyes, inserts, bolts and other accessories for which yield strength, breaking strength, safe lifting capacities, shear strength, resistance against pull-out and safe working loads are known.~~

~~NOTE: The services of a design engineer or accessory vendor may prove to be very valuable and beneficial to any contractor when performing tilt-up type construction. The amount, size and placement of reinforcement steel in the panels should follow the suggested practice outlined in the latest edition of the American Concrete Institute Code.~~

~~(2) Prior to commencing the pouring of the panels of a tilt-up type construction job, a set of plans or job specifications, including lifting procedures, shall be drawn up. These plans shall be at the job site and made available to any representative of the department upon request. Any changes made in the rigging procedure of a tilt-up panel or slab shall provide the same degree of safety as required by the original plans. The plans or specifications shall contain the following information:~~

~~(a) The type, size and location of all lifting inserts:~~

~~(b) The type, size and location of all brace inserts or fittings for guy wires in each panel and floor or support:~~

~~(c) The size of braces or guys to be used:~~

~~(d) The compression strength which concrete panels must attain prior to being lifted:~~

~~(3) The following criteria shall be incorporated in the design plan:~~

~~(a) Braces and all associated components of the bracing system shall be designed to incorporate a safety factor of (1 1/2) to resist any normal stresses to which they may be subjected, including normal high wind velocity pressures for the area:~~

~~(b) Floor braces used to secure panel sections shall be placed at an angle of not less than 45° or more than 60° from horizontal when physically possible to install in this manner:~~

~~(c) The bracing on all panel sections shall be installed in such a manner as to prevent the panel from accidentally rotating:~~

~~(d) Each panel section not secured by other means shall have a minimum of two braces. The braces shall be installed in such a manner as to evenly distribute the load:~~

~~NOTE: Guy wires, when properly installed, may be used in lieu of stiff leg braces.~~

~~(e) If braces are attached to a panel or slab by bolts tightened into inserts installed in holes drilled in concrete, the type of inserts used and method of installation shall be such as to develop the required strength to be maintained for the bracing system:~~

~~(f) Inserts to be installed for lifting sections of a panel shall be designed mechanically to maintain a safety factor of 3:~~

~~(g) The compression strength of the concrete shall be such that when the proper type, size and amount of inserts are properly installed a minimum safety factor of 2 will be maintained:~~

~~(4) Lifting hardware such as spreader bars, slings, shackles, etc., shall be designed for a safety factor of not less than 5 and shall not be used whenever the safety factor is reduced below 4.~~

~~(5) Lifting bolts or other lifting devices which have been bent, worn, or are defective shall be discarded.~~

~~(6) The upper and lower sections of telescoping type braces shall be secured by high tensile steel pin(s) or bolt(s) which provide adequate shear strength and which will positively secure against accidental removal.~~

~~(7) Manufactured products shall not be altered in a manner which would reduce the safe working load to less than its original value.~~

~~(8) Inserts shall be positioned so that bolts, or lifting devices, when inserted, will be perpendicular to the face on which they are placed.~~

~~(9) Design of the panels and layout of the pour shall be made in such a manner so that when picking, the top of the panel will be away from the crane. If this is not possible, the contractor shall consult with a representative of the department and the crane company involved to determine the procedure to be followed in lifting and placing in its permanent position safely. Panels shall be lifted and handled in such a manner that they will not strike the hoisting equipment, in case of failure.~~

~~(10) Physical stops shall be provided which will prevent the bottom edge of a panel being set from slipping off the edge of its supporting structure.~~

~~(11) Tilt-up panels shall not be set when there is a possibility that wind velocity would create a hazardous condition.~~

~~(12) A qualified signalman shall be designated and shall consult with the crane operator on lifting procedures prior to making the pick. The signalman shall be located in such a position during the pick of the panel that he can observe both the crane operator and the employees working in the immediate area.~~

~~(13) During the lifting process, workers shall keep clear of the under side of the panel.~~

~~(14) Persons not involved in the lifting process shall be kept clear of the hazardous area near where panels are being raised, moved or placed.~~

~~(15) If braces must be removed temporarily during construction, other effective and suitable means shall be provided to safely support the panel during the interim period.~~

~~(16) Each panel shall be properly braced or otherwise secured prior to removal of the hoisting equipment.~~

~~(17) Short panels or sections not otherwise supported by floor, footings, columns or other structure, shall be properly shored:)) General provisions.~~

~~(a) Deadheads used in post tensioning of tendons shall be the type that will increase the grip on the cable as the tension is increased.~~

~~(b) Proper means and equipment shall be used to prevent the over-tensioning of the tendons.~~

~~(c) Only qualified workers shall perform this type work.~~

~~(2) Prestressed and poststressed concrete operations.~~

~~(a) Anchor fitting. In utilizing anchor fittings for tensioned strands, the recommendations and instructions of~~

the supplier concerning installation, maintenance, and replacement shall be followed.

(b) Tools and strand vices shall be kept clean and in good repair.

(c) Safety factor.

(i) Expendable strand deflection devices used to pre-tension concrete members shall have a minimum safety factor of two.

(ii) Reusable strand deflection devices shall have a minimum safety factor of three.

(d) Jacking operations.

(i) During jacking operations of any tensioning element or group of tensioning elements, the anchors shall be kept turned up close to the anchorplate.

(ii) No one shall be permitted to stand in line or directly over the jacking equipment during tensioning operations.

(iii) Employees shall not stand behind the jack during tensioning operations.

(e) Jacking and pulling equipment. Pulling headers, bolts, and hydraulic rams shall be frequently inspected for indication of fatigue, and the threads on bolts and nuts inspected for diminishing cross section.

(f) Storage. Stressed members shall be stored on a level base and adequately supported during storage and transportation to prevent tipping.

(g) Rigging.

(i) Stressed members shall be handled at pick points specifically designated on the manufacturer's drawings.

(ii) Stressed members shall be lifted with lifting devices recommended by the manufacturer or the engineer in charge.

(iii) No one shall be allowed under stressed members during lifting and erection.

(3) Lift-slab operations.

(a) Design and planning. Lift-slab operations shall be designed and planned by a qualified professional engineer or architect. Such plans and designs shall include detailed instructions and sketches indicating the prescribed method of erection.

(b) Jacking equipment.

(i) Jacking equipment shall not be loaded beyond its safe working capacity.

(ii) The threaded rods and other members that transmit loads to the jacks shall have a minimum safety factor of 2.5.

(iii) Jacks shall be designed and installed so they will not continue to lift when overloaded.

(iv) Jacks shall be installed with a safety device which will enable them to continue to support the load in any position should jack malfunction and lose its lifting ability.

(4) Precast concrete and tilt-up operations.

(a) It shall be the responsibility of the contractor to use accessories which are designed to be compatible.

(b) The design capacity of all lifting devices and accessories shall be known. The devices and accessories with the appropriate capacity shall be used.

(c) Prior to pouring the panels of a tilt-up type construction job, a set of plans or job specifications, including lifting procedures, shall be drawn up.

(i) These plans shall be at the job site and made available upon request.

(ii) Any changes made in the rigging procedure of a tilt-up panel or slab shall provide the same degree of safety as required by the original plans.

(iii) The plans or specifications shall contain the following information:

(A) The type, size and location of all lifting inserts.

(B) The type, size and location of all brace inserts or fittings for guy wires in each panel and floor or support.

(C) The size of braces or guys to be used.

(D) The compression strength which concrete panels must attain prior to being lifted.

(d) The following conditions shall be included in the erection process and shall be incorporated in the design plan:

(i) Braces and all associated components of the bracing system shall be designed to incorporate a safety factor of one and one-half to resist any normal stresses to which they may be subjected, including normal high wind velocity pressures for the area.

(ii) Floor braces used to secure panel sections shall be placed at an angle of not less than forty-five degrees or more than sixty degrees from horizontal when physically possible to install in this manner.

(iii) The bracing on all panel sections shall be installed in such a manner as to prevent the panel from accidentally rotating.

(iv) Each panel section not secured by other means shall have a minimum of two braces. The braces shall be installed in such a manner as to evenly distribute the load or guy wires, when properly installed, may be used in lieu of stiff leg braces.

(v) If braces are attached to a panel or slab by bolts tightened into inserts installed in holes drilled in concrete, the type of inserts used and method of installation shall be such as to develop the required strength to be maintained for the bracing system.

(vi) Inserts to be installed for lifting sections of a panel shall be designed mechanically to maintain a safety factor of three.

(vii) The compression strength of the concrete shall be such that when the proper type, size and amount of inserts are installed a minimum safety factor of two will be maintained.

(e) Lifting hardware such as spreader bars, slings, shackles, etc., shall be designed for a safety factor of not less than five and shall not be used whenever the safety factor is reduced below four.

(f) Lifting bolts or other lifting devices which have been bent, worn, or are defective shall be discarded.

(g) The upper and lower sections of telescoping type braces shall be secured by high tensile steel pins or bolts which provide adequate shear strength and which will positively secure against accidental removal.

(h) Manufactured products shall not be altered in a manner which would reduce the safe working load to less than its original value.

(i) Inserts shall be positioned so that bolts, or lifting devices, when inserted, will be perpendicular to the face on which they are placed.

(j) Design of the panels and layout of the pour shall be made in such a manner so that when picking, the top of the panel will be away from the crane. If this is not possible, the contractor shall consult with a representative of the department and the crane company involved to determine the procedure to be followed in lifting and placing in its permanent position safely. Panels shall be lifted and handled in such a manner that they will not strike the hoisting equipment, in case of failure.

(k) Physical stops shall be provided which will prevent the bottom edge of a panel being set from slipping off the edge of its supporting structure.

(l) Tilt-up panels shall not be set when there is a possibility that wind velocity would create a hazardous condition.

(m) A qualified signalman shall be designated and shall consult with the crane operator on lifting procedures prior to making the pick. The signalman shall be located in such a position during the pick of the panel that he can observe both the crane operator and the employees working in the immediate area.

(n) During the lifting process, workers shall keep clear of the under side of the panel.

(o) Persons not involved in the lifting process shall be kept clear of the hazardous area near where panels are being raised, moved or placed.

(p) If braces must be removed temporarily during construction, other effective means shall be provided to safely support the panel during the interim period.

(q) Each panel shall be properly braced or otherwise secured prior to removal of the hoisting equipment.

(r) Short panels or sections not otherwise supported by floor, footings, columns or other structure, shall be properly shored.

AMENDATORY SECTION (Amending Order 76-29, filed 9/30/76)

✓ WAC 296-155-700 GENERAL REQUIREMENTS. (1) Erection gangs on structural steel erection shall work under the direction of experienced foreman.

(2) Workers shall not ride on steel being hoisted, nor slide down ropes ((or cables)), columns or ladders.

(3) ((Cable)) Wire rope slings shall be used when lifting loads. Care shall be taken to avoid sharp bends by using wood or similar type padding between ((cable)) wire rope and load. Reinforcing steel shall not be lifted by bundling ties.

(4) If float scaffolds are used during steel erection, they shall be used in accordance with WAC 296-155-485(24).

(5) Employees shall be provided with safety belts in accordance with WAC 296-155-225 when they are working on float scaffolds.

(6) On ((extremely hazardous)) jobs where ordinary precautions would prove ((impracticable)) impractical, nets shall be provided ((when necessary in the opinion of the supervisor)). Contracting authorities shall specify in contract when it has been determined that nets are required.

(7) The use of safety belts, lanyards and lifelines in steel erection shall be in accordance with WAC 296-155-225.

(a) When connecting beams at the periphery of a building or structure where the fall distance is greater than twenty-five feet, employees shall be tied-off by approved safety belts and lifelines:

- (i) To either peripheral columns;
- (ii) Pendant lines secured at the tops of peripheral columns;
- (iii) Catenary lines;
- (iv) Other secure anchorage points.

(b) When practical, employees shall crouch or walk the bottom inside flange of peripheral beams when it is necessary to release chokers, land intermediate members, or perform other work on the peripheral beams.

(c) Pendant lines, catenary lines and other lines used to secure workers shall be capable of supporting a minimum dead weight of five thousand four hundred pounds.

(d) If the procedure specified in (a) of this subsection is impractical, perimeter safety nets shall be installed at a distance of no more than twenty-five feet below the work surface and extend at least eight feet beyond the perimeter of the building or structure. Nets shall meet the requirements set forth in the applicable portions of WAC 296-155-230.

AMENDATORY SECTION (Amending Order 76-29, filed 9/30/76)

✓ WAC 296-155-705 FLOORING REQUIREMENTS. (1) Permanent flooring—Skeleton steel construction in tiered buildings. (a) The permanent floors shall be installed as the erection of structural members progresses, and there shall be not more than eight stories between the erection floor and the uppermost permanent floor, except where the structural integrity is maintained as a result of the design.

(b) At no time shall there be more than four floors or 48 feet of unfinished bolting or welding above the foundation or uppermost permanently secured floor.

(2) Temporary flooring—Skeleton steel construction in tiered buildings. (a) (i) The derrick or erection floor shall be solidly planked or decked over its entire surface except for access openings. Planking or decking of equivalent strength, shall be of proper thickness to carry the working load. Planking shall be not less than 2 inches thick full size undressed, and shall be laid tight and secured to prevent movement.

(ii) On buildings or structures not adaptable to temporary floors, and where scaffolds are not used, safety nets shall be installed and maintained whenever the potential fall distance exceeds two stories or 25 feet. The nets shall be hung with sufficient clearance to prevent contacts with the surface of structures below.

(iii) Floor periphery - safety railing. A ((safety)) standard railing including midrail of 1/2-inch wire rope or equivalent shall be installed((~~between 36 and 42 inches high, around~~)) at the periphery (including all floor openings) of all temporary-planked or temporary metal-decked floors of tier buildings and other multi-floored structures during structural steel assembly.

(b)(i) Where skeleton steel erection is being done, a tightly planked and substantial floor shall be maintained within two stories or ((~~30~~)) twenty-five feet, whichever is less, below and directly under that portion of each tier

of beams on which any work is being performed, except when gathering and stacking temporary floor planks on a lower floor, in preparation for transferring such planks for use on an upper floor. Where such a floor is not practicable, subsection (2)(a)(ii) of this section applies.

(ii) When gathering and stacking temporary floor planks, the planks shall be removed successively, working toward the last panel of the temporary floor so that the work is always done from the planked floor.

(iii) When gathering and stacking temporary floor planks, from the last panel, the employees assigned to such work shall be protected by safety belts with safety lines attached to a catenary line or other substantial anchorage.

(3) Flooring - other construction. (a) In the erection of a building having double wood floor construction, the rough flooring shall be completed as the building progresses, including the tier below the one on which floor joists are being installed.

(b) For single wood floor or other flooring systems, the floor immediately below the story where the floor joists are being installed shall be kept planked or decked over.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

✓ WAC 296-155-720 SAFE WALKING SURFACES ON STRUCTURAL MEMBERS. (1) Structural members with studs, dowels or shear connectors installed on the top side shall not be used as a walkway and/or means of access unless such studs, dowels or shear connectors are covered with suitable material and in such a manner as to provide a walking surface at least as stable and free of hazards as the top surface of the member would provide without attachments installed. ((~~Note:~~)) For the purpose of this section, "stud," shall mean all protruding metal attachments to structural members.

(2) If such structural member is ten feet or more above ground or floor level, employees walking or working on such member shall be protected by a safety belt in accordance with WAC 296-155-225.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

✓ WAC 296-155-725 DEFINITIONS APPLICABLE TO THIS PART. (1) "Bulkhead" means an airtight structure separating the working chamber from free air or from another chamber under a lesser pressure than the working pressure.

(2) "Caisson" means a wood, steel, concrete or reinforced concrete, air- and water-tight chamber in which it is possible for persons to work under air pressure greater than atmospheric pressure to excavate material below water level.

(3) "Cofferdam" means a watertight barricade or enclosure erected, sunk, driven or otherwise fabricated to permit the performance of work where hydrostatic pressure exists.

(4) "Decanting" means a method used for decompressing under emergency circumstances. In this procedure, the employees are brought to atmospheric pressure with a very high gas tension in the tissues and

then immediately recompressed in a second and separate chamber or lock.

(5) "Emergency locks" means a lock designed to hold and permit the quick passage of an entire shift of employees.

(6) "High air" means air pressure used to supply power to pneumatic tools and devices.

(7) "Low air" means air supplied to pressurize working chambers and locks.

(8) "Man lock" means a chamber through which persons pass from one air pressure environment into another.

(9) "Materials lock" means a chamber through which materials and equipment pass from one air pressure environment into another.

(10) "Medical lock" means a special chamber in which employees are treated for decompression illness. It may also be used in pre-employment physical examinations to determine the adaptability of the prospective employee to changes in pressure.

(11) "Normal condition" means one during which exposure to compressed air is limited to a single continuous working period followed by a single decompression in any given 24-hour period; the total time of exposure to compressed air during the single continuous working period is not interrupted by exposure to normal atmospheric pressure, and a second exposure to compressed air does not occur until at least 12 consecutive hours of exposure to normal atmospheric pressure has elapsed since the employee has been under pressure.

(12) "Pressure" means a force acting on a unit area. Usually shown as pounds per square inch. (p.s.i.)

(13) "Absolute pressure" (p.s.i.a.) means the sum of the atmospheric pressure and gauge pressure (p.s.i.g.)

(14) "Atmospheric pressure" means the pressure of air at sea level, usually 14.7 p.s.i.a. (1 atmosphere), or 0 p.s.i.g.

(15) "Gauge pressure" (p.s.i.g.) means pressure measured by a gauge and indicating the pressure exceeding atmospheric.

(16) "Safety screen" means an air- and water-tight diaphragm placed across the upper part of a compressed air tunnel between the face and bulkhead, in order to prevent flooding the crown of the tunnel between the safety screen and the bulkhead, thus providing a safe means of refuge and exit from a flooding or flooded tunnel.

(17) "Special decompression chamber" means a chamber to provide greater comfort for employees when the total decompression time exceeds 75 minutes.

(18) "Working chamber" means the space or compartment under air pressure in which the work is being done.

(19) "C.F.R." means Code of Federal Regulations.

(20) "MSHA" means Mine Safety and Health Administration.

(21) "NIOSH" means National Institute for Occupational Safety and Health.

AMENDATORY SECTION (Amending Order 76-29, filed 9/30/76)

✓ WAC 296-155-730 TUNNELS AND SHAFTS.

(1) General. (a) The specific requirements of this part Q, tunnels, shafts, caissons, cofferdams, and compressed air, shall be ~~((complied with))~~ met as well as the applicable provisions of all other parts of this chapter and chapter 296-36 WAC "Safety standards for compressed air work."

(b) Safe means of access shall be provided and maintained to all working places.

(c) When ladders and stairways are provided in shafts and steep inclines, they shall meet the requirements of parts J and K of this chapter.

(d) Access to unattended underground openings shall be restricted by gates or doors. Unused chutes, manways, or other openings shall be tightly covered, bulkheaded, or fenced off, and posted. Conduits, trenches, and manholes shall meet the requirements of parts K and N of this chapter.

(e) Subsidence areas that present hazards shall be fenced and posted.

(f) Each operation shall have a check-in and check-out system that will provide positive identification of every employee underground. An accurate record and location of the employees shall be kept on the surface.

(g) In tunnels (other than hard rock) timber sets, steel rings, steel frames, concrete liners or other engineered tunnel support systems shall be used. Every tunnel support system shall be designed by a licensed professional engineer. Design specifications shall be available at the worksite.

(2) Emergency provisions. (a) Evacuation plans and procedures shall be developed and made known to the employees.

(b) Emergency hoisting facilities shall be readily available at shafts more than 50 feet in depth, unless hoisting facilities are provided that are independent of electrical power failures. A boatswain's chair shall meet the requirements of part J of this chapter.

(c) ~~((Bureau of mines))~~ MSHA-NIOSH approved self-rescuers shall be available near the advancing face to equip each face employee. Such equipment shall be on the haulage equipment and in other areas where employees might be trapped by smoke or gas, and shall be maintained in good condition.

(d) Telephone or other signal communication shall be provided between the work face and the tunnel portal, and such systems shall be independent of the tunnel power supply.

(3) Air quality and ventilation. (a) Air quality and quantity shall be as established by chapter 296-62 WAC. (i) Instruments shall be provided to test the atmosphere quantitatively for carbon monoxide, nitrogen dioxide, flammable or toxic gases, dusts, mists, and fumes that occur in the tunnel or shaft. Tests shall be conducted as frequently as necessary to assure that the required quality and quantity of air is maintained. A record of all tests shall be maintained and be kept available.

(ii) Field-type oxygen analyzers, or other suitable devices, shall be used to test for oxygen deficiency.

(iii) Respirators shall not be substituted for environmental control measures. However, where environmental controls have not yet been developed, or when necessary by the nature of the work involved (for example, welding, sand blasting, lead burning), an employee may work for short periods of time in concentrations of airborne contaminants which exceed the limit of permissible excursions referred to in items (iv) and (v) of this subdivision, if such employee wears a respiratory protective device approved by ~~((the Bureau of Mines))~~ MSHA-NIOSH as protection against the particular hazards involved.

(iv) ~~((The))~~ Exposure to airborne contaminants ~~((of an employee working in a tunnel or shaft shall not exceed the threshold limit values adopted by the American Conference of Governmental Industrial Hygienists, as set forth and explained in the 1970 edition of "Threshold Limit Values of Airborne Contaminants." (See chapter 296-62 WAC, the general occupational health standards.)))~~ shall not exceed the levels established by chapter 296-62 WAC.

(v) Employees shall be withdrawn from areas in which there is a concentration of an airborne contaminant which exceeds the threshold limit value listed for that contaminant.

(vi) Atmospheres in all active areas shall contain at least 20 percent oxygen.

(b) Ventilation. (i) Tunnels shall be provided with mechanically induced primary ventilation in all work areas. The direction of airflow shall be reversible.

(ii) Ventilation doors, not operated mechanically, shall be designed and installed so that they are self-closing and will remain closed regardless of the direction of the air movement.

(iii) When there has been a failure of ventilation, and ventilation has been restored in a reasonable time, all places where flammable gas may have accumulated shall be examined by a competent person and determined to be free of flammable gas before power is restored and work resumed.

(iv) When the main fan or fans have been shut down with all employees out of the adit, tunnel or shaft, no employee, other than those qualified to examine the adit, tunnel or shaft, or other authorized employee, shall go underground until the fans have been started, the work areas examined for gas and other hazards, and declared safe.

(v) The supply of fresh air shall not be less than 200 cubic feet per minute for each employee underground. The linear velocity of the air flow in the tunnel bore shall not be less than 30 feet per minute in those tunnels where blasting or rock drilling is conducted or where there are other conditions that are likely to produce dusts, fumes, vapors, or gases in harmful quantities.

(vi) If 1.5 percent or higher concentration of flammable gas is detected in air returning from an underground working place or places, the employees shall be withdrawn and the power cut off to the portion of the area endangered by such flammable gas until the concentration of such gas is reduced to 1 percent or less.

(vii) Internal combustion engines other than mobile diesel shall not be used underground. Mobile diesel-powered equipment used underground shall be certified by the Bureau of Mines, U.S. Department of the Interior ~~((according to the Bureau of Mines publication))~~ or the Mine Safety and Health Administration, United States Department of Labor according to their publications "Mechanical Equipment for mines—tests for permissibility and suitability, 30 C.F.R. Part 32, Mobile Diesel Power Equipment for Non-Coal Mines, ((Schedule 24" of March 23, 1965)) July 1, 1983".

(viii) Application shall be made to the mining section, division of industrial safety and health, Department of Labor and Industries, for permission to use specified diesel equipment in a specified underground area and shall include the following:

(A) The type of construction and complete identification data and specifications including analysis of the undiluted exhaust gases of the diesel equipment.

(B) The location where the diesel equipment is to be used.

(C) Before the diesel equipment is taken underground, written permission shall be obtained from the division of industrial safety and health or its duly authorized representative. A satisfactory test on surface, to show that the exhaust gases do not exceed the maximum percentage of carbon monoxide permitted, shall be required.

(D) Diesel equipment shall only be used underground where the ventilation is controlled by mechanical means and shall not be operated if the ventilating current is less than 75 CFM per horsepower based on the maximum brake horsepower of the engines.

(E) Air measurements shall be made at least once ~~((weekly))~~ daily in the diesel engine working area and the measurements entered in the Underground Diesel Engine Record Book. Permissible maximum amounts of noxious gases are as follows:

At engine exhaust ports	Carbon Monoxide	.10%	1,000 ppm ^a
Next to equipment	Carbon Monoxide	.005%	50 ppm
General atmosphere	Carbon Monoxide	.005%	50 ppm
General atmosphere	Nitrogen Dioxide	((0.005%))	((5 ppm))
		.0003%	3 ppm
General atmosphere	Aldehydes	.0002%	2 ppm

^a Parts of vapor or gas per million parts of contaminated air by volume at 25°C and 760 mm Hg. pressure.

(4) Illumination. (a) Sufficient lighting shall be provided, in accordance with the requirements of Table B-3 of part B of this chapter, to permit safe operations at the face as well as in the general tunnel or shaft area and at the employees' workplace.

(5) Fire prevention and control. (a) General. (i) The requirements for fire prevention and protection specified in part D of this chapter shall be complied with in all tunnel and shaft operations.

(ii) Signs warning against smoking and open flames shall be posted so that they can be readily seen in areas or places where fire or explosion hazards exist.

(iii) The carrying of matches, lighters, or other flame-producing smoking materials shall be prohibited in all underground operations where fire or explosion hazards exist.

(iv) Not more than a 1 day's supply of diesel fuel shall be stored underground.

(v) Gasoline (~~(or liquefied petroleum gases)~~) shall not be taken, stored, or used underground. Where oxygen and petroleum gases are used underground in tunnels and shafts for welding, cutting and heat-treating operations, all applicable ventilation standards shall be enforced to prevent the accumulation of flammable or hazardous gases. These ventilation standards are found in WAC 296-155-730(3) "Air Quality and Ventilation" and ANSI Z49.1-1967 "Safety in Welding and Cutting."

(vi) Oil, grease, or fuel stored underground shall be kept in tightly sealed containers in fire-resistant areas, at safe distances from explosives magazines, electrical installations, and shaft stations.

(vii) Air that has passed through underground oil or fuel-storage areas shall not be used to ventilate working areas.

(viii) Approved fire-resistant hydraulic fluids shall be used in powered hydraulically actuated underground machinery and equipment unless such equipment is protected by multipurpose fire extinguisher(s) at least 4A:40B:C, or by a fire suppression system, either of which shall be suitable for the type and size of hydraulic equipment involved.

(ix) Fires shall not be built underground.

(x) Noncombustible barriers shall be installed below welding or burning operations in or over a shaft or raise.

(xi) Fire extinguishers or equivalent protection shall be provided at the head and tail pulleys or underground belt conveyors and at 300-foot intervals along the belt line.

(xii) At tunnel operations, employing 25 or more employees at one time underground at least two rescue crews (10 employees divided between shifts) shall be trained annually in rescue procedures, in the use, care, and limitations of oxygen breathing apparatus, and the use and maintenance of firefighting equipment. Not less than one rescue crew (5 employees) shall be trained in smaller operations.

(6) Personal protective equipment. Protective clothing or equipment shall be worn as specified in parts B and C of this chapter.

(7) Noise. (a) Permissible noise exposures shall conform to those specified in part B of this chapter.

(8) Ground support. (a) Tunnel portal area. Portals shall be protected and supported where loose soil or rock or fractured material is encountered.

(b) Tunnel area. (i) The employer shall examine and test the roof, face, and walls of the work area at the start of each shift and frequently thereafter.

(ii) Loose ground shall be taken down or supported. Ground conditions along haulage ways and travelways shall be examined periodically and scaled or supported as necessary.

(iii) Torque meters and torque wrenches shall be available at tunnels where rock bolts are used for ground support. Frequent tests shall be made to determine if bolts meet the required torque. The test frequency shall be determined by rock conditions and distance from vibration sources.

(iv) Damaged or dislodged tunnel supports, whether steel sets or timber, shall be repaired and replaced. New supports shall be installed whenever possible before removing the damaged supports.

(v) All sets, including horseshoe-shaped or arched rib steel sets, shall be designed and installed so that the bottoms will have required anchorage to prevent pressures from pushing them inward into the excavation. Lateral bracing shall be provided between sets to further stabilize the support.

(c) Shafts. (i) Small diameter shafts, which employees are required to enter, shall be provided with a steel casing, concrete pipe, timber, or other material of required strength to support the surrounding earth.

(ii) The casing and bracing shall be provided the full depth of the shaft, or at least 5 feet into solid rock if possible, and shall extend at least 1 foot above ground level.

(iii) All wells or shafts over ~~((5))~~ four feet in depth shall be retained with lagging, spiling, or casing.

(iv) In shafts, the employer shall inspect the walls, ladders, timbers, blocking, and wedges of the last set to determine if they have loosened following blasting operations. Where found unsafe, corrections shall be made before shift operations are started.

(v) Safety belts shall be worn on skips and platforms used in shafts by crews when the skip or cage does not occlude the opening to within 1 foot of the sides of the shaft, unless guardrails or cages are provided.

(9) Drilling. (a) Equipment that is to be used during a shift shall be inspected each shift by a competent person. Equipment defects affecting safety shall be corrected before the equipment is used.

(b) The drilling area shall be inspected for hazards before starting the drilling operations.

(c) Employees shall not be allowed on a drill mast while the drill bit is in operation.

(d) When a drill is being moved from one drilling area to another, drill steel, tools, and other equipment shall be secured, and the mast placed in a safe position.

(e) Receptacles or racks shall be provided for drill steel stored on jumbos.

(f) Before drilling cycle is started, warning shall be given to persons working below jumbo decks.

(g) Drills on columns shall be anchored firmly before drilling is started and shall be retightened frequently thereafter.

(h) The employer shall provide mechanical means for lifting drills, roof bolts, mine straps, and other unwieldy heavy material to the top decks of jumbos over 10 feet in height.

(i) The employer shall provide stair access to jumbo decks wide enough to accommodate two persons if the deck is over 10 feet in height.

(j) On jumbo decks over 10 feet in height, guardrails which are removable (pipe in sockets with chain hand-rail), or equal, shall be provided on all sides and back platforms.

(k) Scaling bars shall be in good condition at all times, and blunted and severely worn bars shall not be used.

(l) When jumbos are being moved, riders will not be allowed on the jumbo unless they are assisting the driver.

(m) Before commencing the drill cycle, the face and lifters shall be examined for misfires (residual explosives) and, if found, they shall be removed before drilling commences at the face. Lifters shall not be drilled through blasted rock (muck) or water.

(n) Air lines that are buried in the invert shall be identified by signs, posted nearby, warning all personnel.

(10) Blasting. All blasting and explosives-handling operations shall be conducted in compliance with ((part F of this)) chapter 296-52 WAC.

(11) Haulage. (a) Equipment that is to be used during a shift shall be inspected by a competent person each shift. Equipment defects affecting safety shall be corrected before the equipment is used.

(b) Powered mobile equipment shall be provided with adequate brakes.

(c) Powered mobile haulage equipment shall be provided with audible warning devices. Lights shall be provided at both ends.

(d) Cab windows shall be of safety glass, or equivalent, in good condition, and shall be kept clean.

(e) Adequate backstops or brakes shall be installed on inclined conveyor drive units to prevent conveyors from running in reverse and creating a hazard to employees.

(f) No employee shall be permitted to ride a power-driven chain, belt, or bucket conveyor, unless the conveyor is specifically designed for transportation of employees.

(g) The employer shall not permit employees to ride in dippers, shovel buckets, forks, clamshells, or in the beds of dump trucks, or on haulage equipment not specifically designed or adapted for the transportation of employees.

(h) Electrically powered mobile equipment shall not be left unattended unless the master switch is in the off position, all operating controls are in the neutral position, and the brakes are set, or other equivalent precautions are taken against rolling.

(i) When dumping cars by hand, the car dumps shall be provided with tie-down or bumper blocks to prevent cars from over-turning.

(j) Rocker-bottom or bottom-dump cars shall be equipped with positive locking devices.

(k) Equipment which is to be hauled shall be so loaded and protected as to prevent sliding or spillage.

(l) Parked railcars shall be blocked securely.

(m) Berms, bumper blocks, safety hooks, or similar means shall be provided to prevent overtravel and overturning at dumping locations.

(n) Where necessary, bumper blocks, or the equivalent, shall be provided at all track dead ends.

(o) Supplies, materials, and tools, other than small handtools, shall not be transported with employees in mantrip cars.

(12) Electrical equipment. (a) Electrical equipment shall conform to the requirements of part I of this chapter.

(b) Powerlines shall be well separated or insulated from waterlines, telephone lines, and airlines.

(c) Oil-filled transformers shall not be used underground unless they are located in a fire-resistant enclosure and surrounded by a dike to contain the contents of the transformers in event of a rupture.

(13) Hoisting. (a) Hoisting machines, either powered or hand operated, shall be worm-gear or powered both ways. The design must be such that when the power is stopped, the load cannot move.

(b) Controls for powered hoists shall be of the deadman type with a nonlocking switch or control.

(c) A device to shut off the power shall be installed ahead of the operating control.

(d) Hand-operated release mechanisms, which can permit the load to descend faster than the speed rating, shall not be used.

(e) Hoist machines with cast metal parts shall not be used.

(f) Every hoist shall be tested with twice the maximum load before being put into operation, and annually thereafter.

(g) All anchorages of hoists shall be inspected at the beginning of each shift.

(h) An enclosed covered metal cage shall be used to raise and lower persons in the shaft. The cage shall be designed with a safety factor of 4 and shall be load-tested prior to use. The exterior of the cage shall be free of projections or sharp corners. Only closed shackles shall be used in the cage rigging.

(i) If the cage is equipped with a door, a positive locking device shall be installed to prevent the door from opening accidentally while the cage is being lowered or raised while hoisting or lowering employees.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

✓ WAC 296-155-750 MASONRY CONSTRUCTION. (1) Employees engaged in cutting or chipping shall wear suitable eye protection in accordance with WAC 296-155-215.

(2) ~~((All brick saws shall be equipped with mechanical means of exhausting dust into a cyclone type receptacle or be exhausted away from operator to a safe distance to provide a dust free place of work for operator and other workers, or provided with water on saw for dust control. Operator shall wear goggles.~~

~~(3) The top half of all brick saws shall be guarded with a hood extending over both sides of saw down to the arbor.~~

~~(4))~~ Masonry saws shall be constructed, guarded and operated in accordance with ANSI A10.9-1983. Safety requirements for concrete construction and masonry work and in accordance with WAC 296-155-367.

(3) Persons charged with operation of derricks used for stone setting shall be qualified in that type of work.

~~((5))~~ (4) Stone shall be set directly on the wall by the derrick.

~~((6))~~ (5) Breast derricks when used in setting stone shall be secured against a slip or kick back and guyed with wire cables. Provide hold down line to prevent derrick from falling back.

~~((7))~~ (6) Stone cutters shall wear goggles while trimming stone or cutting holes.

~~((8))~~ (7) Pins shall be tested for security before stone is hoisted.

~~((9))~~ (8) Hoisting cables shall be protected from chafing and wearing over corners.

~~((10) Where construction work is in progress above workers, a catch platform shall be erected to protect the persons working below. One completed floor shall be maintained between workers and steel or concrete work above.)~~ (9) Mason's mortar mixers shall have a bar-type grill installed over the mixer opening. The guard shall be installed with an automatic disconnect switch to stop the mixer tub rotation and prevent the mixer from starting whenever the guard is not in place.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

✓ WAC 296-155-765 ROCK CRUSHING, GRAVEL WASHING, AND HOT MIX PLANTS. (1) Stationary dragline machines shall have all moving parts which are exposed to contact guarded with standard safeguards.

(a) All running lines, straps, etc., shall be regularly inspected and shall be changed when 10% of the wires in a 3 foot length are broken.

(b) Spars shall be properly guyed with a minimum of 5 top guys and where spar is over 50 feet in height, 3 buckle guys shall be used.

(c) A pass line shall be rigged on the spar to provide safe means of reaching top of spar.

(d) The head block shall be equipped with a safety strap attached to shell of the block and onto a guy wire leading away from the working area.

(2) Truck dump bunkers shall have wheel bumper block installed when dumping material from trucks.

(3) Substantial walkways and working platforms, equipped with toe boards and handrails shall be installed at all plants. Standard stairways and ladders shall be placed to reach all parts requiring oiling and maintenance.

(4) Plant structures shall be constructed to carry the required load, without material or structural failure, for the prescribed life of the material used.

(5) Bunker unloading devices shall be arranged to be operative from outside the walls of bunkers.

(6) Crusher operators and other employees working where hazardous dust or nuisance dust exists shall use approved respirators and goggles.

(7) All dusty rock crushing houses or other dusty places of employment, shall be equipped with means for controlling the dust.

(8) Cone type crushers shall be equipped with approved guards over or around the feed end to prevent rock from flying from crusher while in operation.

(9) All aggregate elevators, bucket or other type, shall have guards or barricades installed under or around return strand and of sufficient strength to sustain weight of piled up broken elevator equipment.

(10) All plant controls shall be placed so as to be readily accessible.

(11) Overhead conveyors shall be constructed so as to restrain the spillage of material. Wherever the hazard of

falling materials exists, overhead protection shall be provided over walkways and roadways.

(12) Electrical equipment shall be installed and maintained to comply with the National Electrical Code.

(13) Exhaust fumes from internal combustion engines shall be discharged away from or above the working station.

(14) Hot mix plants, steam boilers and pressure vessels shall conform to A.S.M.E. Boiler and Pressure Vessel Codes and applicable rules and regulations of the department.

(15) All ~~((steam))~~ hot pipes exposed to contact shall be covered or otherwise guarded against contact.

(16) All oil tanks above ground shall be properly bedded and grounded.

(17) Oil leakage on the ground shall be cleaned up ~~((and))~~ or covered with ~~((sand))~~ absorbent material.

(18) Mixer operators shall use approved respirator and goggles except when operating from a remote location.

(19) Dust and fume collection systems shall be provided on all installations. Dust and fumes shall be discharged back into plant or carried to a suitable distance from the work area and precipitated.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

✓ WAC 296-155-775 PREPARATORY OPERATIONS. (1) Prior to permitting employees to start demolition operations, an engineering survey shall be made, by a competent person, of the structure to determine ~~((the condition of the framing, floors, and walls,))~~ structural integrity and the possibility of unplanned collapse of any portion of the structure. Any adjacent structure where employees may be exposed shall also be similarly checked. The employer shall have in writing, evidence that such a survey has been performed.

(2) A copy of the survey report and of the plans and/or methods of operations shall be maintained at the job site for the duration of the demolition operation.

(3) Any device or equipment such as scaffolds, ladders, derricks, hoists, etc., used in connection with demolition work shall be constructed, installed, inspected, maintained and operated in accordance with the regulations governing the construction, installation, inspection, maintenance and operation of such device or equipment as specified in other parts of this chapter.

(4) Federal and state codes, safety standards, rules, regulations, and ordinances governing any and all phases of demolition work shall be observed at all times.

(5) Demolition of all buildings and structures shall be conducted under competent supervision, and safe working conditions shall be afforded the employees.

(6) When employees are required to work within a structure to be demolished which has been damaged by fire, flood, explosion, or other cause, the walls or floor shall be shored or braced.

(7) All electric, gas, water, steam, sewer, and other service lines shall be shut off, capped, or otherwise controlled, outside the building line before demolition work is started. In each case, any utility company which is involved shall be notified in advance.

(8) If it is necessary to maintain any power, water or other utilities during demolition, such lines shall be temporarily relocated, as necessary, and protected.

(9) It shall ~~((also))~~ be determined ~~((if any type of))~~ whether asbestos, hazardous materials, hazardous chemicals, gases, explosives, flammable materials, or similarly dangerous substances ((have been used in any pipes, tanks, or other equipment on the property)) are present at the work site. When the presence of any such substance~~(s)~~ is apparent or suspected, testing and removal or purging shall be performed and the hazard eliminated before demolition is started. Removal of such substances shall be in accordance with the requirements of chapters 296-62 and 296-65 WAC.

(10) Where a hazard exists from fragmentation of glass, such hazards shall be removed.

(11) Where a hazard exists to employees falling through wall openings, the opening shall be protected to a height of between 36 and 42 inches.

(12) When debris is dropped ~~((through holes in the floor))~~ without the use of chutes, the area onto which the material is dropped shall be completely enclosed with barricades not less than 42 inches high and not less than 20 feet back from the projected edge of the opening above. Signs, warning of the hazard of falling materials, shall be posted at each level. Removal shall not be permitted in this lower area until debris handling ceases above.

(13) All floor openings, not used as material drops, shall be covered over with material substantial enough to support the weight of any load which may be imposed. Such material shall be properly secured to prevent its accidental movement.

(14) Except for the cutting of holes in floors for chutes, holes through which to drop materials, preparation of storage space, and similar necessary preparatory work, the demolition of exterior walls and floor construction shall begin at the top of the structure and proceed downward. Each story of exterior wall and floor construction shall be removed and dropped into the storage space before commencing the removal of exterior walls and floors in the story next below.

(15) Workmen shall not be permitted to carry on a demolition operation which will expose men working on a lower level to danger.

(16) Employee entrances to multistory structures being demolished shall be completely protected by sidewalk sheds or canopies, or both, providing protection from the face of the building for a minimum of 8 feet. All such canopies shall be at least 2 feet wider than the building entrances or openings (1 foot wider on each side thereof), and shall be capable of sustaining a load of 150 pounds per square foot.

(17) Protruding nails in boards, planks and timber shall be withdrawn, driven in or bent over as soon as the same is removed from the structure being demolished.

(18) Any material to be removed which will cause dust to be formed, shall be sprinkled with water to lay the dust incidental to its removal.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

✓ WAC 296-155-830 SELECTIVE DEMOLITION BY EXPLOSIVES. Selective demolition by explosives shall ~~((be conducted in accordance with applicable sections of Part T of this chapter))~~ comply with chapter 296-52 WAC.

SUBCHAPTER PART T WAC

~~((Blasting and the use of explosives))~~ Refer to chapter 296-52 WAC, Safety Standards for the Possession, Handling and Use of Explosives

WAC

- 296-155-850 Definitions applicable to this part.
- 296-155-855 General provisions.
- 296-155-860 Blaster qualifications.
- 296-155-865 Surface transportation of explosives.
- 296-155-870 Underground transportation of explosives.
- 296-155-875 Storage of explosives and blasting agents.
- 296-155-880 Loading of explosives or blasting agents.
- 296-155-885 Initiation of explosive charges—
Electric blasting.
- 296-155-890 Use of safety fuse.
- 296-155-895 Use of detonating cord.
- 296-155-900 Firing the blast.
- 296-155-905 Inspection after blasting.
- 296-155-910 Misfires.
- 296-155-915 Underwater blasting.
- 296-155-920 Blasting in excavation work under compressed air.

AMENDATORY SECTION (Amending Order 76-29, filed 9/30/76)

✓ WAC 296-155-950 ROLLOVER PROTECTIVE STRUCTURES (ROPS) FOR MATERIAL HANDLING EQUIPMENT. (1) Coverage. (a) This section applies to the following types of material handling equipment: To all rubber-tired, self-propelled scrapers, rubber-tired front-end loaders, rubber-tired dozers, wheel-type agricultural and industrial tractors, crawler tractors, crawler-type loaders, and motor graders, with or without attachments, that are used in construction work. This requirement does not apply to sideboom pipelaying tractors.

(b) The promulgation of specific standards for rollover protective structures for compactors and rubber-tired skidsteer equipment is reserved pending consideration of standards currently being developed.

(2) Equipment manufactured on or after September 1, 1972, Material handling machinery described in subsection (1) of this section and manufactured on or after September 1, 1972, shall be equipped with rollover protective structures which meet the minimum performance standards prescribed in WAC 296-155-955 and 296-155-960, as applicable.

(3) Equipment manufactured before September 1, 1972.

(a) All material handling equipment described in subsection (1) of this section and manufactured or placed in service (owned or operated by the employer) prior to September 1, 1972, shall be fitted with rollover protective structures ((no later than the dates listed below:

(i) ~~Machines manufactured on or after January 1, 1972, shall be fitted no later than April 1, 1973.~~

(ii) ~~Machines manufactured between July 1, 1971, and December 31, 1971, shall be fitted no later than July 1, 1973.~~

(iii) ~~Machines manufactured between July 1, 1970, and June 30, 1971, shall be fitted no later than January 1, 1974.~~

(iv) ~~Machines manufactured between July 1, 1969, and June 30, 1970, shall be fitted no later than July 1, 1974).~~

((~~v~~)) Machines manufactured before July 1, 1969; Reserved pending further study, development, and review.

(b) Rollover protective structures and supporting attachment shall meet the minimum performance criteria detailed in WAC 296-155-955 and 296-155-960, as applicable or shall be designed, fabricated, and installed in a manner which will support, based on the ultimate strength of the metal, at least two times the weight of the prime mover applied at the point of impact.

(i) The design objective shall be to minimize the likelihood of a complete overturn and thereby minimize the possibility of the operator being crushed as a result of a rollover or upset.

(ii) The design shall provide a vertical clearance of at least 52 inches from the work deck to the ROPS at the point of ingress or egress.

(4) Remounting. ROPS removed for any reason, shall be remounted with equal quality, or better, bolts or welding as required for the original mounting.

(5) Labeling. Each ROPS shall have the following information permanently affixed to the structure:

- (a) Manufacturer or fabricator's name and address;
- (b) ROPS model number, if any;
- (c) Machine make, model, or series number that the structure is designed to fit.

(6) Machines meeting certain existing governmental requirements. Any machine in use, equipped with rollover protective structures, shall be deemed in compliance with this section if it meets the rollover protective structures requirements of the U.S. Army Corps of Engineers, or the Bureau of Reclamation of the U.S. Department of the Interior in effect on April 5, 1972. The requirements in effect are:

- (a) U.S. Army Corps of Engineers: General Safety Requirements, EM-385-1-1 (March 1967).
- (b) Bureau of Reclamation, U.S. Department of the Interior: Safety and Health Regulations for Construction, Part II (September 1971).

REPEALER

The following sections of the Washington Administrative Code are repealed:

- ✓ WAC 296-155-760 CONCRETE FINISHING.

- ✓ WAC 296-155-850 DEFINITIONS APPLICABLE TO THIS PART.
- ✓ WAC 296-155-855 GENERAL PROVISIONS.
- ✓ WAC 296-155-860 BLASTER QUALIFICATIONS.
- ✓ WAC 296-155-865 SURFACE TRANSPORTATION OF EXPLOSIVES.
- ✓ WAC 296-155-870 UNDERGROUND TRANSPORTATION OF EXPLOSIVES.
- ✓ WAC 296-155-875 STORAGE OF EXPLOSIVES AND BLASTING AGENTS.
- ✓ WAC 296-155-880 LOADING OF EXPLOSIVES OR BLASTING AGENTS.
- ✓ WAC 296-155-885 INITIATION OF EXPLOSIVE CHARGES—ELECTRIC BLASTING.
- ✓ WAC 296-155-890 USE OF SAFETY FUSE.
- ✓ WAC 296-155-895 USE OF DETONATING CORD.
- ✓ WAC 296-155-900 FIRING THE BLAST.
- ✓ WAC 296-155-905 INSPECTION AFTER BLASTING.
- ✓ WAC 296-155-910 MISFIRES.
- ✓ WAC 296-155-915 UNDERWATER BLASTING.
- ✓ WAC 296-155-920 BLASTING IN EXCAVATION WORK UNDER COMPRESSED AIR.

WSR 86-03-075
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
 [Filed January 22, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning apple maggot, gypsy moth, honey bee tracheal mite and onion white rot quarantines, chapter 16-470 WAC.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on March 7, 1986.

The authority under which these rules are proposed is chapter 17.24 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before February 27, 1986.

Dated: January 22, 1986
 By: Art Losey
 Assistant Director

STATEMENT OF PURPOSE

Title: WAC 16-470-010, 16-470-020, 16-470-100, 16-470-200 and 16-470-300.

Description of Purpose: To amend the definition section.

Statutory Authority: Chapter 17.24 RCW.

Summary of Rules: To establish quarantines on certain commodities, articles, and carriers of plant pests and diseases that would threaten Washington's agricultural industry.

Reasons for Supporting Proposed Actions: To make housekeeping changes for clarity: The definitions for interior quarantine and exterior quarantine which reads "quarantine established against insects" is being expanded to all "plant pests"; to include the scientific name of "onion white rot disease"; and, to move certain definitions from the definition section to the sections directly related to that quarantine.

Agency Personnel Responsible for Drafting, Implementing and Enforcing the Rules: Robert O. Rebhan, Plant Services Supervisor, Department of Agriculture, 406 General Administration Building, AX-41, Olympia, WA 98504.

Persons Proposing Rules: Washington State Department of Agriculture.

Agency Comments: None.

Rules Necessary to Comply with Federal Law: No.

Small Business Economic Impact Statement: None.

AMENDATORY SECTION (Amending Order 1861, filed 7/8/85)

WAC 16-470-010 DEFINITIONS. The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:

(1) "Director" means the director of agriculture of this state, or a duly authorized representative.

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

(3) "Interior quarantine" means a quarantine within the state of Washington established against the movement of designated ~~((insect))~~ plant pests, life stages, their hosts, and possible carriers from areas identified by the Washington state department of agriculture.

(4) "Exterior quarantine" means a quarantine established against the movement into Washington state of designated ~~((insect))~~ plant pests, life stages, their hosts, and possible carriers from areas identified by the Washington state department of agriculture.

(5) ~~((("Gypsy moth (Lymantria dispar)" means a lepidopterous insect of the family Lymantriidae which in the larval stage defoliates many species of trees and shrubs.~~

(6) ~~("Apple maggot (Rhagoletis pomonella)" means a dipterous insect belonging to the family Tephritidae which in the larval stage live within fruit of its host plants, with potential for causing extensive damage to fruit of certain crops.~~

(7) ~~("Plum curculio (Conotrachelus nenuphar)" means a coleopterous insect of the family Curculionidae which in the larval stage lives within the fruit of its host plants with potential for causing extensive damage to fruit of certain crops.~~

~~((8))~~ "Commercial orchard" means an orchard in which fruit is grown for commercial purposes and with the use of approved and accepted integrated pest management programs pursuant to statutes, guidelines or rules approved by the agricultural extension service or regulatory officials of the state of origin.

~~((9))~~ (6) "Commercial fruit" means fruit that is:

(a) Grown in a commercial orchard and commercially packed and labeled;

(b) Fruit grown in a commercial orchard and destined to a commercial processing plant or packing plant.

~~((10))~~ ~~"Threatened with infestation" means that any life stage of apple maggot or plum curculio has been found within one-half mile of production site including any portion of an orchard outside or beyond the one-half mile boundary if any portion of the orchard is within the one-half mile area.~~

~~((11))~~ "Honey bee tracheal mite" means *Acarapis woodi*; an internal tracheal mite of honey bees.

~~((12))~~ (7) "Honey bee" means bees of the species *Apis mellifera*.

~~((13))~~ (8) "Colony" means a man-made hive including five or more combs of bees.

~~((14))~~ (9) "Hive" means a man-made domicile of honey bees including their combs in the various sizes used by the apiculture industry.

~~((15))~~ (10) "Queen" means the fertile female honey bee, singly, in a shipping cage with attendant honey bees or in plurality with other queens in a shipping cage having common honey bee attendants.

~~((16))~~ (11) "Nuclei" means a shipping container or hive having five or less combs of bees and a queen.

~~((17))~~ (12) "Package" means a combless shipping container of bees with or without a queen.

~~((18))~~ (13) "Apiarist" means any person who owns bees or is a keeper of bees.

~~((19))~~ (14) "Net(s)" means fabricated material which is designed and utilized to prevent the escape of bees from bee colonies or hives during transit.

~~((20))~~ "Onion" means any *Allium* spp. including but not limited to onion, garlic, leek, chive, or shallots.)

AMENDATORY SECTION (Amending Order 1822, filed 5/1/84, effective 7/1/84)

WAC 16-470-020 QUARANTINE—GYPSY MOTH—AREA UNDER ORDER. (1) Interior quarantine. Real and personal properties within Washington state and adjacent properties where the department has identified multiple gypsy moth life stages and where occupants and/or owners of those properties have been notified by the department of the gypsy moth infestation and to the effect that the subject property is under quarantine pursuant to chapter 16-470 WAC rules and requirements.

(2) Exterior quarantine. All areas of the United States and Canada that are declared high risk by the United States Department of Agriculture, animal, plant, health inspection service, plant protection and quarantine.

(3) The following definition shall apply to WAC 16-470-020 through 16-470-060: "Gypsy moth (Lymantria dispar)" means a lepidopterous insect of the family Lymantriidae which in the larval stage defoliates many species of trees and shrubs.

AMENDATORY SECTION (Amending Order 1862, filed 7/8/85)

WAC 16-470-100 QUARANTINE—APPLE MAGGOT AND PLUM CURCULIO—AREA UNDER ORDER. (1) The following areas are declared by the director to be under quarantine for apple maggot:

(a) Exterior quarantine. All states or foreign countries where apple maggot is known to occur including but not limited to the states of North Dakota, South Dakota, Nebraska, Oklahoma, and Texas, and all states east thereof including the District of Columbia, and the states of Idaho, Oregon, Utah, and California, and any other areas where apple maggot is detected.

(b) Interior quarantine. All counties west of the crest of the Cascade mountain range, and Spokane, Skamania, and Klickitat counties within the state of Washington, and any other counties where apple maggot is detected.

(c) Regional area quarantine. When mutually agreed upon, and formally accepted by the directors of the Washington state department of agriculture and Oregon state department of agriculture the following shall apply: In Oregon state the counties of Wasco and Hood River and in Washington state the counties of Skamania and Klickitat will be considered a single production area. Commercial fruit produced in these counties may move freely throughout this production area unless regulatory measures as prescribed in WAC 16-470-120 are implemented.

(2) The following areas are declared by the director to be under quarantine for plum curculio: Utah, and, in the eastern United States, all states and districts east of and including the states of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, and any other areas where plum curculio is detected.

(3) The following definitions shall apply to WAC 16-470-100 through 16-470-120:

(a) "Apple maggot (Rhagoletis pomonella)" means a dipterous insect belonging to the family Tephritidae which in the larval stage lives within fruit of its host plants with potential for causing extensive damage to fruit of certain crops.

(b) "Plum curculio (Conotrachelus nenuphar)" means a coleopterous insect of the family Curculionidae which in the larval stage lives within the fruit of its host plants with potential for causing extensive damage to fruit of certain crops.

(c) "Threatened with infestation" means that any life stage of apple maggot or plum curculio has been found within one-half mile of production site including any portion of an orchard outside or beyond the one-half mile boundary if any portion of the orchard is within the one-half mile area.

AMENDATORY SECTION (Amending Order 1863, filed 7/8/85)

WAC 16-470-200 QUARANTINE—HONEY BEE TRACHEAL MITE. (1) The director finds that honey bee tracheal mite is detrimental to the welfare of the apiculture industry of Washington state and a quarantine is established to prevent the introduction of the tracheal mite into Washington state.

(2) The following definition shall apply to WAC 16-470-200 through 16-470-230: "Honey bee tracheal mite" means *Acarapis woodi*; an internal tracheal mite of honey bees.

AMENDATORY SECTION (Amending Order 1873, filed 9/25/85)

WAC 16-470-300 QUARANTINE—ONION WHITE ROT DISEASE. (1) The director finds that onion white rot disease is detrimental to the onion industry of Washington state and a quarantine is established to prevent the spread and introduction of onion white rot disease caused by *Sclerotium cepivorum* Berk, a fungus, within non-infested areas of Washington state.

(2) The following definition shall apply to WAC 16-470-300 through 16-470-340: "Onion" means any *Allium* spp. including but not limited to onion, garlic, leek, chive, or shallots.

WSR 86-03-076
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed January 22, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning redirection of warrant, amending WAC 388-38-270;

that the agency will at 10:00 a.m., Wednesday, February 26, 1986, in the Auditorium, Office Building #2, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on March 5, 1986.

The authority under which these rules are proposed is RCW 74.08.090.

The specific statute these rules are intended to implement is chapter 74.08 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before February 26, 1986.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Lee D. Bomberger, Acting Director
 Division of Administration and Personnel
 Department of Social and Health Services
 Mailstop OB 14
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Administrative Regulations Section, at State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by February 12, 1986. The meeting site is in a location which is barrier free.

Dated: January 21, 1986

By: Lee D. Bomberger, Acting Director
 Division of Administration and Personnel

STATEMENT OF PURPOSE

Re: WAC 388-38-270.

Reason this Rule Amendment is Necessary: To delete extraneous language no longer necessary due to the Hardy court case.

Statutory Authority: RCW 74.08.090.

Summary of the Rule Change: Reasons for redirecting a warrant because of information which has not been submitted is deleted as no longer appropriate. Recipients are notified of termination, following the Hardy court case.

Person Responsible for Drafting, Implementation and Enforcement of the Rule Change: Mary Rose Trepanier, Division of Income Assistance, mailstop OB-31J, phone 753-3177.

These rules are necessary as a result of a court decision, *Hardy v. Gibbs*, Wash. Superior Court, Thurston Co., No. 82-2-00408-9.

AMENDATORY SECTION (Amending Order 1241, filed 9/23/77)

WAC 388-38-270 REDIRECTION OF WARRANT. (1) A recipient eligible for continuing assistance is entitled to regular and correct payment without undue interruption or delay. The local office may redirect a warrant only when there is evidence as specified in subsection (2) of this section that:

(a) ~~((The recipient will be ineligible for the monthly payment as previously authorized, or~~

~~(b)) An overpayment will occur, or~~

~~((c)) (b) The warrant will not be received by the recipient.~~

(2) Factors which justify redirection of a warrant to the local office within the meaning of subsection (1) of this section shall be limited to these situations:

(a) The address of a recipient is unknown by the local office or the recipient has reported that he or she has changed or will change his or her address prior to ~~((schedules))~~ scheduled receipt of the warrant.

(b) A change in payee is required for correct receipt of the warrant.

(c) ~~((The recipient has not submitted in writing specific information requested to establish continuing eligibility or amount of grant, including but not limited to the designated review of eligibility form. See WAC 388-38-265.~~

~~(d) The recipient has reported incomplete information on a change in circumstances which requires a redetermination of eligibility and/or grant amount. The provisions in WAC 388-38-265 shall apply.~~

~~((e)) Redirection of the warrant is required to effect a proposed reduction, suspension, or termination of a grant as provided in WAC 388-33-382 (2)(a). ((The local office shall concurrently notify the recipient of the proposed action to reduce, suspend or terminate the grant as provided in WAC 388-33-380.))~~

~~((f)) (d) A recipient has entered an institution and the local office has been notified by someone acting on his or her behalf.~~

(3) The state office may redirect a warrant to the local office when an authorization has been submitted which cannot be processed before delivery date due to error in the authorization. The warrant is redirected so that necessary action can be immediately taken to continue payment in the correct amount.

(4) The local office shall notify the recipient before action is taken to redirect a warrant for any reason other than death, unless the recipient has already been notified that a warrant change will be made. Such notification shall include:

(a) The reason for the redirect action, and

(b) Assurance of corrected payment, when appropriate, at the earliest possible date(;

~~(c) When applicable, a statement of the information the recipient must provide or the action that must be taken to establish eligibility)).~~

(5) Decision as to the recipient's eligibility or ineligibility for the warrant shall be made at the earliest possible date but not later than ~~((30))~~ thirty days after the date of its issuance.

(a) If ineligibility is determined, the warrant is cancelled. The recipient shall be notified in writing of the reason for cancellation.

(b) If ineligibility is not determined, the warrant shall be released or, if it is not in the correct amount, payment shall be authorized

promptly according to WAC 388-33-140 and a one-time grant issued if necessary as provided in WAC 388-33-595 (2)(b).

WSR 86-03-077
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2332—Filed January 22, 1986]

I, Lee D. Bomberger, acting director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd WAC 388-15-170 General and seasonal day care services.
Rep WAC 388-15-173 Parent participation—Day care.

I, Lee D. Bomberger, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these rules are necessary to comply with section 203(14) of the biennial budget which states: "The department shall revise program eligibility and/or participation criteria, consistent with statute, if necessary to prevent the overexpenditure of moneys allotted for the program in each fiscal year. Current budget projections continue to indicate an overexpenditure for day care for the biennium.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 21, 1986.

By Lee D. Bomberger, Acting Director
Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 1931, filed 12/29/82)

WAC 388-15-170 GENERAL AND SEASONAL DAY CARE SERVICES. (1) Day care services include providing care, protection, and related services for a child under fifteen years of age during the portion of the twenty-four hour day when neither of the child's parents are able to provide necessary care and supervision for the following reasons:

(a) Parent is employed in accord with an approved case plan, and is not an AFDC recipient,

(b) Parent is enrolled in an approved work incentive program (WIN) (not to exceed one year) leading toward employment,

(c) For school-age parent to complete secondary education or attainment of GED (not to exceed two years), subject to approval by the department,

(d) Parent to keep physical or mental health appointment,

(e) Child in need of day care as part of children's protective service case plan,

(f) Provided as child welfare services by a professional or other mental health social service agency referral for the child's or parent's physical or emotional health or support to the family structure.

(2) Goals for general day care services shall be limited as specified in WAC 388-15-010 (1)(a), (b), (c). Also see WAC 388-15-010(2).

(3) Child care (~~(including)~~) except for seasonal day care, may be purchased for children or families who are:

(a) (~~(Individuals)~~) Family units whose gross income is equal to or below (~~(thirty-eight)~~) ~~thirty-four~~ percent of the state median (~~(gross)~~) income for a family of four adjusted for family size (~~(See WAC 388-15-020 (2)(d)-))~~); or gross income between ~~thirty-four and forty-six~~ percent of the SMIAFS wherein the family shall pay to the day care provider fifty percent of their gross monthly income above the ~~thirty-four~~ percent SMIAFS toward the cost of day care.

(b) In need of day care as an integral but subordinate part of a child protective service plan, regardless of the level of gross family income.

(4) Eligibility for seasonal day care is:

(a) Both parents, or the single parent (in the case of the one-parent family) must be currently employed or seeking work in agriculturally related work or with agencies serving migrant families; and

(b) Must derive at least fifty percent of the family's annual income from agriculturally related work; and

(c) Must have more than one agricultural employer per year; and

(d) Must have a gross income for the past twelve months not to exceed ~~thirty-eight~~ percent of the state median income adjusted for family size; or gross income between ~~thirty-eight~~ percent and ~~fifty-three~~ percent of the state median income adjusted for family size wherein the family shall pay to the day care provider fifty percent of their average gross monthly income above the ~~thirty-eight~~ percent state median income adjusted for family size toward the cost of day care.

(5) Standards for in-home care:

(a) In-home care is the care and supervision of a child in his or her own home by a relative or by an unrelated person during part of the twenty-four hour day while the child's parent(s) are temporarily absent from the home.

(b) When parents request in-home care, a service worker must determine the caretaker meets the in-home care standards.

(c) Use of in-home care is appropriate when:

(i) There is a qualified caretaker available, and this type of child care is the parental choice,

(ii) The number of children in the family requiring child care is large enough to make it preferable for in-home care and/or,

(iii) A child's physical, mental or emotional problems make it necessary he or she remain in his or her home.

(d) When in-home care is the approved child care plan for the child of a parent involved in basic education, job training, work experience, or other program DSHS is responsible for arranging, approving or paying, the caretaker must meet the following minimum qualifications and fulfill the following responsibilities:

- (i) Be eighteen years of age or older,
- (ii) Be free of communicable disease, including tuberculosis, as shown by tests within the year, and every two years thereafter,
- (iii) Be of sufficient physical, emotional, and mental health to meet the needs of the children in care,
- (iv) Subject to the discretion of the worker, give written evidence from a medical authority he or she is in sufficient physical, emotional, and mental health to be a safe caretaker,
- (v) Produce written references indicating he or she is capable of handling children of the ages for whom he or she will be caring and has the ability to provide activities suitable to the children's ages and interests,
- (vi) Be able to work with children without recourse to physical punishment or psychological abuse,
- (vii) Be able to accept and follow instructions,
- (viii) Maintain personal cleanliness,
- (ix) Be prompt and regular in job attendance,
- (x) Expect to be evaluated as specified in subsection (5)(d)(i) through (ix) of this section.

(e) Responsibilities of in-home caretaker. The in-home caretaker shall:

- (i) Consider his or her primary function that of child care,
 - (ii) Provide constant care and supervision of the children for whom he or she is responsible throughout the time he or she is on duty in accordance with the children's needs,
 - (iii) Provide appropriate activities for children in care.
- (6) Payment standards for day care: The rate of payment for day care shall be the prevailing community rate, not to exceed the maximum rate established by the department.

(a) When the parent or parent surrogate is responsible for in-home care, the person will receive payment for the cost of child care and will pay the in-home care provider according to the amount specified in the approved child care plan.

(b) The in-home care provider must sign a receipt at the time payment is received. The parent or surrogate must send the payment receipt with his or her statement of child care provided during the previous month to the CSO before the next child care payment shall be authorized.

(c) If total payments to an individual providing in-home care are expected to be fifty dollars or more in any one quarter, the employer's share of the FICA tax must be added to the amount authorized for in-home care.

(d) Payment for child care by relative: Unless the performance of child care services by a relative of the parent keeps the relative from accepting or continuing in paid employment, no payment shall be allowed for child care services for the following relatives: Father, mother,

grandmother, grandfather, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew or niece. Child care will be considered as in-home care when care is provided in the house of the relative.

(e) Payment for child care to nonresponsible relative: Where a child receiving AFDC is living with a nonresponsible relative not on AFDC and day care is required to support the relative's employment, the child is eligible for day care.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-15-173 PARENT PARTICIPATION DAY CARE.

WSR 86-03-078
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2333—Filed January 22, 1986]

I, Lee D. Bomberger, acting director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd WAC 388-15-170 General and seasonal day care services.
 Rep WAC 388-15-173 Parent participation—Day care.

This action is taken pursuant to Notice Nos. WSR 85-21-021 and 86-01-025 filed with the code reviser on October 9, 1985, and December 10, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 21, 1986.

By Lee D. Bomberger, Acting Director
 Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 1931, filed 12/29/82)

✓ WAC 388-15-170 GENERAL AND SEASONAL DAY CARE SERVICES. (1) Day care services include providing care, protection, and related services for a child under fifteen years of age during the portion of the twenty-four hour day when neither of the child's parents are able to provide necessary care and supervision for the following reasons:

(a) Parent is employed in accord with an approved case plan, and is not an AFDC recipient,

(b) Parent is enrolled in an approved work incentive program (WIN) (not to exceed one year) leading toward employment,

(c) For school-age parent to complete secondary education or attainment of GED (not to exceed two years), subject to approval by the department,

(d) Parent to keep physical or mental health appointment,

(e) Child in need of day care as part of children's protective service case plan,

(f) Provided as child welfare services by a professional or other mental health social service agency referral for the child's or parent's physical or emotional health or support to the family structure.

(2) Goals for general day care services shall be limited as specified in WAC 388-15-010 (1)(a), (b), (c). Also see WAC 388-15-010(2).

(3) Child care (~~(including)~~) except for seasonal day care, may be purchased for children or families who are:

(a) (~~(Individuals)~~) Family units whose gross income is equal to or below (~~(thirty-eight)~~) thirty-four percent of the state median (~~(gross)~~) income for a family of four adjusted for family size. (See WAC 388-15-020 (2)(d-)); or gross income between thirty-four and forty-six percent of the SMIAFS wherein the family shall pay to the day care provider fifty percent of their gross monthly income above the thirty-four percent SMIAFS toward the cost of day care.

(b) In need of day care as an integral but subordinate part of a child protective service plan, regardless of the level of gross family income.

(4) Eligibility for seasonal day care is:

(a) Both parents, or the single parent (in the case of the one-parent family) must be currently employed or seeking work in agriculturally related work or with agencies serving migrant families; and

(b) Must derive at least fifty percent of the family's annual income from agriculturally related work; and

(c) Must have more than one agricultural employer per year; and

(d) Must have a gross income for the past twelve months not to exceed thirty-eight percent of the state median income adjusted for family size; or gross income between thirty-eight percent and fifty-three percent of the state median income adjusted for family size wherein the family shall pay to the day care provider fifty percent of their average gross monthly income above the thirty-eight percent state median income adjusted for family size toward the cost of day care.

(5) Standards for in-home care:

(a) In-home care is the care and supervision of a child in his or her own home by a relative or by an unrelated person during part of the twenty-four hour day while the child's parent(s) are temporarily absent from the home.

(b) When parents request in-home care, a service worker must determine the caretaker meets the in-home care standards.

(c) Use of in-home care is appropriate when:

(i) There is a qualified caretaker available, and this type of child care is the parental choice,

(ii) The number of children in the family requiring child care is large enough to make it preferable for in-home care and/or,

(iii) A child's physical, mental or emotional problems make it necessary he or she remain in his or her home.

(d) When in-home care is the approved child care plan for the child of a parent involved in basic education, job training, work experience, or other program DSHS is responsible for arranging, approving or paying, the caretaker must meet the following minimum qualifications and fulfill the following responsibilities:

(i) Be eighteen years of age or older,

(ii) Be free of communicable disease, including tuberculosis, as shown by tests within the year, and every two years thereafter,

(iii) Be of sufficient physical, emotional, and mental health to meet the needs of the children in care,

(iv) Subject to the discretion of the worker, give written evidence from a medical authority he or she is in sufficient physical, emotional, and mental health to be a safe caretaker,

(v) Produce written references indicating he or she is capable of handling children of the ages for whom he or she will be caring and has the ability to provide activities suitable to the children's ages and interests,

(vi) Be able to work with children without recourse to physical punishment or psychological abuse,

(vii) Be able to accept and follow instructions,

(viii) Maintain personal cleanliness,

(ix) Be prompt and regular in job attendance,

(x) Expect to be evaluated as specified in subsection (5)(d)(i) through (ix) of this section.

(e) Responsibilities of in-home caretaker. The in-home caretaker shall:

(i) Consider his or her primary function that of child care,

(ii) Provide constant care and supervision of the children for whom he or she is responsible throughout the time he or she is on duty in accordance with the children's needs,

(iii) Provide appropriate activities for children in care.

(6) Payment standards for day care: The rate of payment for day care shall be the prevailing community rate, not to exceed the maximum rate established by the department.

(a) When the parent or parent surrogate is responsible for in-home care, the person will receive payment for the cost of child care and will pay the in-home care provider according to the amount specified in the approved child care plan.

(b) The in-home care provider must sign a receipt at the time payment is received. The parent or surrogate must send the payment receipt with his or her statement of child care provided during the previous month to the CSO before the next child care payment shall be authorized.

(c) If total payments to an individual providing in-home care are expected to be fifty dollars or more in any one quarter, the employer's share of the FICA tax must be added to the amount authorized for in-home care.

(d) Payment for child care by relative: Unless the performance of child care services by a relative of the

parent keeps the relative from accepting or continuing in paid employment, no payment shall be allowed for child care services for the following relatives: Father, mother, grandmother, grandfather, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew or niece. Child care will be considered as in-home care when care is provided in the house of the relative.

(e) Payment for child care to nonresponsible relative: Where a child receiving AFDC is living with a nonresponsible relative not on AFDC and day care is required to support the relative's employment, the child is eligible for day care.

REPEALER

The following section of the Washington Administrative Code is repealed:

✓ WAC 388-15-173 PARENT PARTICIPATION DAY CARE.

**WSR 86-03-079
PROPOSED RULES
LOTTERY COMMISSION
[Filed January 22, 1986]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Lottery Commission intends to adopt, amend, or repeal rules concerning:

- Amd WAC 315-32-040 Prizes for Lotto.
- New WAC 315-11-190 Definitions for Instant Game Number 19 ("3 Cards Up").
- New WAC 315-11-191 Criteria for Instant Game Number 19.
- New WAC 315-11-192 Ticket validation requirements for Instant Game Number 19;

that the agency will at 1:00 p.m., Friday, March 7, 1986, in the Washington State Lottery Commission Room, 1200 Cooper Point Road, Olympia, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 67.70.040.

The specific statute these rules are intended to implement is RCW 67.70.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 7, 1986.

Dated: January 22, 1986
By: Duane Kovacevich
Deputy Director

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s): WAC 315-11-190 Definitions for Instant Game Number 19 ("Three Cards Up"); 315-11-191 Criteria for Instant Game Number 19; 315-11-192 Ticket validation requirements for instant game; and 315-32-040 Prizes for Lotto.

Statutory Authority: RCW 67.70.040.

Specific Statute that Rules are Intended to Implement: RCW 67.70.040.

Summary of the Rule(s): WAC 315-11-190 provides definitions of the terms used in Instant Game Number 19 rules; 315-11-191 sets forth criteria for Instant Game Number 19; 315-11-192 states the ticket validation requirements for Instant Game Number 19; and 315-32-040 authorizes payment of a prize with a cash value between \$250,000 and \$500,000 over a period of twenty years if the total payments over that period will be \$1,000,000 or more.

Reasons Supporting the Proposed Rule(s): WAC 315-11-190, certain terms need to be defined in order to provide consistency in understanding and interpreting the rules and regulations under WAC 315-11-191 and 315-11-192; 315-11-191, licensed agents and players of Instant Game Number 19 need to know how the game will function. Specifying the criteria which apply to Instant Game 19 will provide this information; 315-11-192, tickets for Instant Game Number 19 which are found to be counterfeit or tampered with will be declared void by the lottery and no prize(s) will be paid. Rigid validation requirements are set forth to discourage persons from tampering with tickets and to prevent the lottery from paying out prize money on invalid tickets; and 315-32-040, this amendment allows for payment of prizes with larger total annuity values.

Agency Personnel Responsible for Drafting: Frank Edmondson, Contracts Specialist 3, Office of the Director, Washington State Lottery, P.O. Box 9770, Olympia, WA 98504, (206) 586-1088; Implementation and Enforcement: Washington State Lottery Commission, P.O. Box 9770, Olympia, WA 98504, (206) 753-1412, Mary G. Faulk, Director, Washington State Lottery, P.O. Box 9770, Olympia, WA 98504, (206) 753-3330, Duane Kovacevich, Deputy Director, Washington State Lottery, P.O. Box 9770, Olympia, WA 98504, (206) 753-3334, Jerald F. Long, Assistant Director, Washington State Lottery, P.O. Box 9770, Olympia, WA 98504, (206) 586-1065, and Earl D. Sedlik, Assistant Director, Washington State Lottery, P.O. Box 9770, Olympia, WA 98504, (206) 753-3384.

Name of Person or Organization, Whether Private, Public, or Governmental, that is Proposing this Rule: Washington State Lottery Commission.

Agency Comments or Recommendations, if any, Regarding the Statutory Language, Implementation, Enforcement, and Fiscal Matters Pertaining to the Rule: None.

The rule is not necessary to comply with federal law or a federal state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

Small Business Economic Impact Statement Requirement: The Office of the Director, Washington State Lottery, has reviewed the requirements to file a small business economic impact statement and has determined that such a statement is not required for the rules proposed by the Washington State Lottery Commission for the following reason: These rules will only affect those businesses, large and small, which voluntarily apply to

be licensed agents for the sale of lottery tickets or contractors who provide other services to the Office of the Director, Washington State Lottery or who voluntarily interact with the Office of the Director, Washington State Lottery. No business or industry will be required to comply with these rules unless they wish to provide services to or interact with the Office of the Director, Washington State Lottery.

AMENDATORY SECTION (Amending Order 81, filed 11/5/85)

WAC 315-32-040 PRIZES FOR LOTTO. (1) The prize amounts to be paid to each Lotto player who selects a winning combination of numbers in the first, second, and third prize categories vary due to the parimutuel calculation of prizes. The prize amounts are based on the total amount in the prize pool for that Lotto drawing distributed over the number of winning tickets in each category. The prize amount to be paid in the fourth prize category is a fixed value and shall be the same regardless of the number of fourth prize winners.

WINNING COMBINATIONS	PRIZE CATEGORIES	ODDS OF WINNING (ONE PLAY)
All six winning numbers in one play	First Prize (Jackpot)	1:7,059,052
Any five but not six winning numbers in one play	Second Prize	1:30,960
Any four but not five or six winning numbers in one play	Third Prize	1:670
Any three but not four, five, or six winning numbers in one play	Fourth Prize	1:42

(2) Prize allocation. The prize allocation consists of forty-five percent of Lotto revenue. The prize allocation will be divided between the prize pool and the prize reserve as follows: Prize pool—forty-three percent of Lotto revenue and prize reserve—two percent of Lotto revenue.

(3) Prize amounts.

(a) First prize (jackpot). Fifty-eight percent of the prize pool is to be divided equally among all players who selected all six winning numbers in one play (in any sequence). The director may increase the cash value of the jackpot by an amount not to exceed the amount added to the jackpot from the prior week's sales.

(b) Second prize. Ten percent of the prize pool is to be divided equally among all players who selected five of the six winning numbers in one play (in any sequence).

(c) Third prize. Nineteen percent of the prize pool is to be divided equally among all players who selected four of the six winning numbers in one play (in any sequence).

(d) Fourth prize. All players who selected three of the six winning numbers in one play (in any sequence) will receive a free ticket of \$1.00 value for a future purchase of Lotto or Daily Number Game tickets.

(e) Prize reserve. The prize reserve will be held for payment of prizes at the discretion of the director.

(f) All prize allocations will be rounded down to nearest dollar, and the remainder, if any, from the rounding process shall be placed in the prize reserve.

(g) The holder of a winning ticket may win only one prize per play in connection with the winning number drawn but shall be entitled only to the highest prize category won by those numbers.

(h) The holder of two or more jackpot winning tickets with a cumulative total cash value of \$250,000 or more may elect to receive a single prize based on the total cash value with prize payments in accordance with subsection (5)(a) or (b) or this section.

(i) In the event any player who has selected three, four, five, or six of the six winning numbers does not claim the prize won within one hundred eighty days after the drawing in which the prize was won, that player's prize shall be retained in the state lottery account for further use as prizes, pursuant to RCW 67.70.190.

(4) Roll-over feature.

(a) If no player selects all six winning numbers for any given drawing, the jackpot accumulated for that drawing will be added to the jackpot accumulation for the next drawing. This process is repeated until the jackpot is won.

(b) If no player selects five of the six winning numbers for any given drawing, the second prize allocation will be added to the jackpot accumulation for the next drawing or placed in the prize reserve for future consideration at the discretion of the director.

(c) If no player selects four of the six winning numbers for any given drawing, the third prize allocation will be added to the jackpot accumulation for the next drawing or placed in the prize reserve for future consideration at the discretion of the director.

(d) If no player selects three of the six winning numbers for any given drawing, the fourth prize allocation will be added to the jackpot accumulation for the next drawing or placed in the prize reserve for future consideration at the discretion of the director.

(5) Prize payments will be made in accordance with WAC 315-30-030(6), provided, fourth prize winning tickets submitted to the lottery for payment will receive \$1.00 in lieu of a free ticket.

(a) Each prize that has a cash value of \$500,000 or more shall be paid in twenty ((equal)) annual payments.

(b) Each prize that has a cash value from \$250,000 up to but not including \$500,000 shall be paid in ten ((equal)) annual payments, provided, if a cash value between \$250,000 and \$500,000 will fund a prize paid over twenty years of \$1,000,000 or more, the director may elect to pay the prize in twenty annual payments.

(c) Each prize that has a cash value of less than \$250,000 shall be paid in a single payment.

(d) For prizes paid over a period of years, the lottery will make the first annual payment. The remaining payments will be paid in the form designated by the director.

NEW SECTION

WAC 315-11-190 DEFINITIONS FOR INSTANT GAME NUMBER 19 ("THREE CARDS UP"). (1) Play symbols: The following are the "play symbols": "A"; "K"; "Q"; "J"; "10"; "9"; "7"; "6"; "5"; "4"; "3"; "2". One of these symbols appears under each of the three rub-off spots on the front of the ticket.

(2) Validation number: The unique nine-digit number on the lower right of the main portion (leftside) of the front of the ticket. The number is covered by latex which is overprinted "DO NOT REMOVE."

(3) Pack-ticket number: The ten-digit number of the form 9000001-000 printed on the front of the ticket. The first seven digits of the pack-ticket number for Instant Game Number 19 constitute the "pack number" which starts at 9000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(4) Captions: The small printed characters appearing below each play symbol which verifies and corresponds with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. For Instant Game Number 19, the captions which correspond with and verify the play symbols are:

PLAY SYMBOL	CAPTION
A	ELV
K	TEN
Q	TEN
J	TEN
10	TEN
9	NIN
7	SEV
6	SIX
5	FIV
4	FOR
3	THR
2	TWO

(5) Agent verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the licensed agent uses to verify instant winners below \$25. For Instant Game Number 19, the agent verification code is a three-letter code, with each letter appearing in a varying three of four locations beneath the removable covering and among the play symbols on the front of the ticket. The agent verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
TIC	FREE TICKET
TWO	\$2.00
FIV	\$5.00
TEN	\$10.00
TTO	\$21.00

(6) Pack: A set of four hundred fanfolded instant game tickets separated by perforations and packaged in a plastic bag or plastic shrinkwrapping.

(7) Stub play symbol: The stub play symbol is a "W" found under the rub-off material on the front of the stub portion (right side) of the ticket. There will be from one to three "W's" on each stub.

(8) Stub number: The stub number is the pack-ticket number less the leading identifier and the dash. It will be printed above the stub play symbol(s).

NEW SECTION

WAC 315-11-191 CRITERIA FOR INSTANT GAME NUMBER 19. (1) The price of each instant game ticket shall be \$1.00.

(2) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(a) The bearer of a ticket having play symbols in the three spots beneath the removable covering on the front of the ticket shall win the following corresponding prize:

14 - Free Ticket
15 - \$2.00
16 - \$5.00
17 - \$10.00
18 - \$21.00
19 - \$50.00
20 - \$100.00
21 - \$5,000.00

(b) In any event, only the highest instant prize amount meeting the standards of (a) of this subsection will be paid on a given ticket.

(3) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 19 set forth in WAC 315-11-192, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(5) There will be a total of three grand prize drawings held in conjunction with the lottery's 1986 instant games. They will be conducted at times and places and pursuant to procedures to be established and announced by the director. The prize awarded at each of the grand prize drawings will be \$5,000.00 per month for life. Qualifying entries from Instant Game Number 19 will be entered into one or more of these grand prize drawings. In the event that an entry is not included in the grand prize drawing process and the director determines that the entry was entitled to participation in the process, the director reserves the right to place that entry into a subsequent grand prize drawing process.

(a) To be eligible for entry into the grand prize drawings, an entrant must:

(i) Be eligible to win a prize pursuant to chapter 67.70 RCW and Title 315 WAC.

(ii) Collect stubs with a total of ten "W" stub play symbols.

(iii) Write or print legibly, the entrant's name, address, and telephone number on the one or more stubs or on a separate sheet of paper. An entry containing more than one name shall be disqualified.

(iv) Place the stubs in an envelope. An envelope which contains extraneous material or which has had the exterior altered for the apparent sole purpose of making the envelope more prominent shall be disqualified.

(v) Mail the envelope with proper postage and a legible return address of the entrant to the address specified on the back of the ticket and in the player's brochure ("GRAND PRIZE DRAWING," Washington Lottery, Tacoma, WA 98455), or deliver it in person during normal business hours to lottery headquarters or any of the regional offices at the address listed in the player's brochure.

(b) There is no limit to the number of entries a person may submit, but each entry must be submitted in a separate envelope and both the

entry and the entrant of each must meet the qualifications set forth above.

(c) Any entry which contains one or more stolen tickets may be disqualified by the director.

(d) A nonconforming entry, at the sole discretion of the director, may be disqualified.

(e) The lottery shall not be responsible for any other material, including winning tickets, mailed or delivered to the "GRAND PRIZE DRAWING". All mail not drawn will be incinerated unopened.

(f) The lottery shall not be responsible for, nor place in the grand prize drawing, any entries mailed or delivered to the wrong address.

(6) Supplemental drawings will be held each week using grand prize drawing entries received since the previous supplemental drawing. Entries received by the lottery at lottery headquarters by 9:00 a.m. local time on the day of a supplemental drawing shall be entitled to participation in that drawing. Entries received at headquarters after that time will be entered in the next supplemental drawing. The supplemental drawings will be conducted at times, places, and pursuant to procedures to be established and announced by the director. Entries selected during the supplemental drawings will be retained and be eligible for the next grand prize drawing provided they have not been disqualified pursuant to these rules. The director reserves the right to place an entry which was entitled to, but which was not entered into a supplemental drawing, into a subsequent supplemental drawing. The deadline for entry and the date of supplemental drawings may vary at the discretion of the director. The prize awarded at the supplemental drawing will be:

(a) \$21,000 cash; or

(b) The director may offer an alternate prize package valued at \$21,000 or more based on the suggested retail price for goods and services or face value for cash and securities.

(c) Selection of the cash prize or alternative prize package, if offered, shall be at the sole option of the winner. Provided, the selection must be made within fourteen days after the drawing. If the winner fails, within that required time, to make a selection and/or tender any moneys required pursuant to (f) of this subsection, the winner will be deemed to have selected the prize of \$21,000 cash.

(d) Composition of the alternate prize package shall be at the discretion of the director.

(e) Total cost to the lottery of the alternate prize package including but not limited to cost of the prizes, taxes, and fees shall not exceed \$21,000.

(f) All taxes and fees including any cash payments necessary to satisfy withholding obligations pursuant to requirements of the Internal Revenue Service or other taxing unit shall be the responsibility of the winner. Provided, the director may include sufficient cash in the alternate prize package to satisfy tax obligations and/or fees due at the time the prize is awarded. Taxes and fees payable subsequent to that time shall be the responsibility of the winner.

(7) The lottery, in conjunction with Instant Game Number 19, shall conduct a retailer game pursuant to WAC 315-04-190(3). The purpose of the program is to increase the sales of lottery tickets and to encourage lottery retailers to promote the supplemental drawing program.

(a) The lottery shall award a prize of two thousand one hundred dollars to lottery retailer(s) in conjunction with the supplemental drawings held pursuant to subsection (6) of this section.

(b) The prize shall be awarded to the lottery retailer(s) that sold the lottery tickets whose stubs comprised the winning entry in that week's supplemental drawing.

(c) The lottery retailer winners will be selected as follows:

(i) The \$2,100 prize will be divided equally between the number of stubs contained in the entry with each stub receiving one share.

(ii) The lottery retailer(s) will receive one share for each stub of a ticket which they sold that is contained in the entry.

(d) The prize awarded to the lottery retailer(s) will be paid as follows:

(i) The amount of the prize will be credited to any overdue balance owed the lottery.

(ii) The balance of the prize, if any, will be paid to the lottery retailer(s).

(8) Notwithstanding any other provisions of these rules, the director may:

(a) Vary the length of Instant Game Number 19; and/or

(b) Vary the number of tickets sold in Instant Game Number 19 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

NEW SECTION

WAC 315-11-192 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 19. (1) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 19 all of the following validation requirements apply.

(a) Exactly one play symbol must appear under each of the three rub-off spots on the front of the ticket.

(b) Each of the three play symbols must have a caption below and each must agree with its caption.

(c) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Mead 18 Point font
Captions	Mead 5 x 11 Matrix font
Pack-Ticket Number	OCR-A Size 1 Condensed font
Validation Number	OCR-A Size 1 Condensed font
Agent Verification Code	Mead 7 x 12 Matrix font
Stub Play Symbols	Mead 9 x 12 Matrix font
Stub Number	Mead 5 x 11 Matrix font

(d) Each of the play symbols and their captions, the validation number, pack-ticket number agent verification code, stub play symbols, and the stub number must be printed in black ink.

(e) Each of the play symbols must be exactly one of those described in WAC 315-11-190(1) and each of the captions must be exactly one of those described in WAC 315-11-190(4).

(f) Each of the stub play symbols must be exactly as described in WAC 315-11-190(7) and the stub number as described in WAC 315-11-190(8).

(2) Removal of part or all of the latex overprinted "DO NOT REMOVE" covering of the validation number will not invalidate an otherwise valid ticket.

(3) Any ticket not passing all the validation requirements in WAC 315-10-070 and subsection (1) of this section is invalid and ineligible for any prize.

**WSR 86-03-080
EMERGENCY RULES
LOTTERY COMMISSION
[Order 87—Filed January 22, 1986]**

Be it resolved by the Washington State Lottery Commission, acting at Seattle, Washington, that it does adopt the annexed rules relating to criteria for Instant Game Number 19, WAC 315-11-191.

We, the Washington State Lottery Commission, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is this rule informs the public, lottery retailers and lottery players of the criteria for Instant Game 19 and is required before permanent rules can be adopted. Delay in implementation would be contrary to public interest.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 67.70.040 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State

Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 16, 1986.

By Duane Kovacevich
Deputy Director

NEW SECTION

WAC 315-11-191 CRITERIA FOR INSTANT GAME NUMBER 19. (1) The price of each instant game ticket shall be \$1.00.

(2) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(a) The bearer of a ticket having play symbols in the three spots beneath the removable covering on the front of the ticket shall win the following corresponding prize:

- 14 - Free Ticket
- 15 - \$2.00
- 16 - \$5.00
- 17 - \$10.00
- 18 - \$21.00
- 19 - \$50.00
- 20 - \$100.00
- 21 - \$5,000.00

(b) In any event, only the highest instant prize amount meeting the standards of (a) of this subsection will be paid on a given ticket.

(3) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 19 set forth in WAC 315-11-192, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(5) There will be a total of three grand prize drawings held in conjunction with the lottery's 1986 instant games. They will be conducted at times and places and pursuant to procedures to be established and announced by the director. The prize awarded at each of the grand prize drawings will be \$5,000.00 per month for life. Qualifying entries from Instant Game Number 19 will be entered into one or more of these grand prize drawings. In the event that an entry is not included in the grand prize drawing process and the director determines that the entry was entitled to participation in the process, the director reserves the right to place that entry into a subsequent grand prize drawing process.

(a) To be eligible for entry into the grand prize drawings, an entrant must:

(i) Be eligible to win a prize pursuant to chapter 67-.70 RCW and Title 315 WAC.

(ii) Collect stubs with a total of ten "W" stub play symbols.

(iii) Write or print legibly, the entrant's name, address, and telephone number on the one or more stubs or on a separate sheet of paper. An entry containing more than one name shall be disqualified.

(iv) Place the stubs in an envelope. An envelope which contains extraneous material or which has had the exterior altered for the apparent sole purpose of making the envelope more prominent shall be disqualified.

(v) Mail the envelope with proper postage and a legible return address of the entrant to the address specified on the back of the ticket and in the player's brochure ("GRAND PRIZE DRAWING," Washington Lottery, Tacoma, WA 98455), or deliver it in person during normal business hours to lottery headquarters or any of the regional offices at the address listed in the player's brochure.

(b) There is no limit to the number of entries a person may submit, but each entry must be submitted in a separate envelope and both the entry and the entrant of each must meet the qualifications set forth above.

(c) Any entry which contains one or more stolen tickets may be disqualified by the director.

(d) A nonconforming entry, at the sole discretion of the director, may be disqualified.

(e) The lottery shall not be responsible for any other material, including winning tickets, mailed or delivered to the "GRAND PRIZE DRAWING". All mail not drawn will be incinerated unopened.

(f) The lottery shall not be responsible for, nor place in the grand prize drawing, any entries mailed or delivered to the wrong address.

(6) Supplemental drawings will be held each week using grand prize drawing entries received since the previous supplemental drawing. Entries received by the lottery at lottery headquarters by 9:00 a.m. local time on the day of a supplemental drawing shall be entitled to participation in that drawing. Entries received at headquarters after that time will be entered in the next supplemental drawing. The supplemental drawings will be conducted at times, places, and pursuant to procedures to be established and announced by the director. Entries selected during the supplemental drawings will be retained and be eligible for the next grand prize drawing provided they have not been disqualified pursuant to these rules. The director reserves the right to place an entry which was entitled to, but which was not entered into a supplemental drawing, into a subsequent supplemental drawing. The deadline for entry and the date of supplemental drawings may vary at the discretion of the director. The prize awarded at the supplemental drawing will be:

(a) \$21,000 cash; or

(b) The director may offer an alternate prize package valued at \$21,000 or more based on the suggested retail price for goods and services or face value for cash and securities.

(c) Selection of the cash prize or alternative prize package, if offered, shall be at the sole option of the winner. Provided, the selection must be made within fourteen days after the drawing. If the winner fails, within that required time, to make a selection and/or tender any moneys required pursuant to (f) of this subsection, the winner will be deemed to have selected the prize of \$21,000 cash.

(d) Composition of the alternate prize package shall be at the discretion of the director.

(e) Total cost to the lottery of the alternate prize package including but not limited to cost of the prizes, taxes, and fees shall not exceed \$21,000.

(f) All taxes and fees including any cash payments necessary to satisfy withholding obligations pursuant to requirements of the Internal Revenue Service or other taxing unit shall be the responsibility of the winner. Provided, the director may include sufficient cash in the alternate prize package to satisfy tax obligations and/or fees due at the time the prize is awarded. Taxes and fees payable subsequent to that time shall be the responsibility of the winner.

(7) The lottery, in conjunction with Instant Game Number 19, shall conduct a retailer game pursuant to WAC 315-04-190(3). The purpose of the program is to increase the sales of lottery tickets and to encourage lottery retailers to promote the supplemental drawing program.

(a) The lottery shall award a prize of two thousand one hundred dollars to lottery retailer(s) in conjunction with the supplemental drawings held pursuant to subsection (6) of this section.

(b) The prize shall be awarded to the lottery retailer(s) that sold the lottery tickets whose stubs comprised the winning entry in that week's supplemental drawing.

(c) The lottery retailer winners will be selected as follows:

(i) The \$2,100 prize will be divided equally between the number of stubs contained in the entry with each stub receiving one share.

(ii) The lottery retailer(s) will receive one share for each stub of a ticket which they sold that is contained in the entry.

(d) The prize awarded to the lottery retailer(s) will be paid as follows:

(i) The amount of the prize will be credited to any overdue balance owed the lottery.

(ii) The balance of the prize, if any, will be paid to the lottery retailer(s).

(8) Notwithstanding any other provisions of these rules, the director may:

(a) Vary the length of Instant Game Number 19; and/or

(b) Vary the number of tickets sold in Instant Game Number 19 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

WSR 86-03-081

ADOPTED RULES

HIGHER EDUCATION PERSONNEL BOARD

[Order 143—Filed January 22, 1986—Eff. March 1, 1986]

Be it resolved by the Higher Education Personnel Board, acting at the Tacoma Community College, Tacoma, Washington, that it does adopt the annexed rules relating to:

Amd	WAC 251-04-020	Definitions ("final examination score").
Amd	WAC 251-18-041	Application materials—Distribution to applicants.
Amd	WAC 251-18-180	Eligible lists—Definition—Composition.

This action is taken pursuant to Notice No. WSR 85-24-070 filed with the code reviser on December 4, 1985. These rules shall take effect at a later date, such date being March 1, 1986.

This rule is promulgated under the general rule-making authority of the Higher Education Personnel Board as authorized in RCW 28B.16.100.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 17, 1986.

By John A. Spitz
Director

AMENDATORY SECTION (Amending Order 136, filed 9/25/85)

✓ WAC 251-04-020 DEFINITIONS. Unless the context clearly indicates otherwise, the words used in these rules shall have the meanings given in this section.

"ADMINISTRATIVE ASSISTANT EXEMPTION" - A president or vice president may have individual(s) acting as his/her administrative assistant(s). The employee normally performs supportive work for his/her superior as an individual contributor without subordinates.

"ADMINISTRATIVE EMPLOYEES" - Personnel whose responsibilities require them to spend at least 80% of their work hours as follows:

(1) Primary duty is office or nonmanual work directly related to the management policies or general business operations; and

(2) Must have the authority to make important decisions, customarily and regularly exercise discretion and independent judgment, as distinguished from using skills and following procedures; and

(3) Must regularly assist an executive or administrative employee, or perform work under, only general supervision along specialized or technical lines requiring special training, experience or knowledge; and

(4) Must be paid at a rate of at least \$672 per month exclusive of board, lodging or other facilities.

For persons whose salaries exceed \$1083 per month, the 80% limitation does not apply if the primary duty consists of responsible office or nonmanual work directly related to management policies or general business operations.

"AGRICULTURAL EMPLOYEES" - Employees performing work which includes farming and all its branches, including cultivating the soil, or growing or harvesting crops, or raising livestock, bees, fur-bearing animals, or poultry; or doing any practices performed by a farmer or on a farm as an incident to or in conjunction with such farming operations.

"ALLOCATION" - The assignment of an individual position to an appropriate class on the basis of the kind, difficulty, and responsibility of the work of the position.

"ANNUAL PERFORMANCE EVALUATION" - The official annual performance rating of an employee recorded on a form approved by the board.

"APPOINTING AUTHORITY" - A person or group of persons lawfully authorized to make appointments.

"AVAILABILITY" - An estimate of the number of women, minorities, and handicapped persons who have the skills and abilities required for employment in a particular job group as determined from an analysis of relevant data.

"BOARD" - The higher education personnel board established under the provisions of the higher education personnel law.

"CERTIFICATION" - The act of providing an employing official or appointing authority with the names of the appropriate eligibles to be considered for appointment to fill a vacancy.

"CHARGES" - A detailed statement of the specific incidents alleging cause for dismissal or disciplinary action.

"CLASS" - One or more positions sufficiently similar with respect to duties and responsibilities that the same descriptive title may be used with propriety to designate each position allocated to the class; that the same general qualification requirements are needed for performance of the duties of the class; that the same tests of fitness may be used to select employees; and that the same schedule of pay can be applied with equity to all positions in the class under the same or substantially the same employment conditions.

"CLASSIFIED SERVICE" - All positions in the higher education institutions which are subject to the provisions of the higher education personnel law.

"COLLECTIVE BARGAINING" - The performance of the mutual obligation of the appointing authority and the certified exclusive bargaining representative to meet at reasonable times, to confer and bargain in good faith, and to execute a written agreement with respect to those personnel matters over which the appointing authority may lawfully exercise discretion.

"COMPETITIVE SERVICE" - All positions in the classified service for which a competitive examination is required as a condition precedent to appointment.

"CORRECTIVE EMPLOYMENT PROGRAM" - A program designed to increase the employment of handicapped persons and of women and minorities who are underutilized in certain job groups because of present or past practices or other conditions which resulted in limited employment opportunities.

"COUNSELING EXEMPTION" - Individuals in counseling-exempt positions are responsible for directing and/or participating in providing academic, athletic, medical, career, financial aid, student activity and/or personal counseling to students. Such activities include, but are not limited to, providing individual and group guidance services using recognized professional techniques and practices.

"CYCLIC YEAR POSITION" - A position scheduled to work less than twelve full months each year, due to known, recurring periods in the annual cycle when the position is not needed.

"DEMOTION" - The change of an employee from a position in one class to a position in another class which has a lower salary range maximum.

"DEVELOPMENT" – The attainment through work experience and training of proficiency in skills which will enable the employee to perform higher level duties.

"DIRECTOR" – The personnel director of the higher education personnel board.

"DISMISSAL" – The termination of an individual's employment for just cause as specified in these rules.

"ELIGIBLE" – An applicant for a position in the competitive service who has met the minimum qualifications for the class involved, has been admitted to and passed the examinations, and has met all requirements for eligibility as stated on the bulletin board posting; or an applicant for a position in the noncompetitive service who has met all requirements for eligibility as stated on the bulletin board posting.

"ELIGIBLE LIST" – A list established by the personnel officer, composed of names of persons who have made proper application, met the minimum qualifications, and successfully completed the required examination process to be certified for vacancies in a class at the institution.

"EMPLOYEE" – A person working in the classified service at an institution.

"EMPLOYEE ORGANIZATION" – Any lawful association, labor organization, federation, council, or brotherhood, having as one of its purposes the improvement of working conditions among employees, and which has filed a notice of intent to represent employees with the director, and which has been authorized in accordance with WAC 251-14-020.

"EMPLOYING OFFICIAL" – An administrative or supervisory employee designated by the appointing authority to exercise responsibility for requesting certification, interviewing eligibles, and employing classified employees.

"ESSENTIAL JOB ELEMENTS" – Knowledges, skills, and abilities which persons must possess in order to perform the duties of a class or a specific position in a class.

"EXAMINATIONS" – Any measures or assessments used in the process of identifying names for certification to vacancies in accordance with RCW 28B.16.100(2) and WAC 251-18-240. Examinations include examination content, administration, and evaluation.

"EXECUTIVE EMPLOYEES" – Management personnel whose responsibilities require them to spend at least 80% of their work hours as follows:

- (1) Primary duty must be management of a recognized department or subdivision; and
- (2) Must customarily and regularly direct the work of two or more employees; and
- (3) Must have the authority to hire and fire, or to recommend with authority on these and other actions affecting employees; and
- (4) Must customarily and regularly exercise discretionary powers; and
- (5) Must be paid at a rate of at least \$672 per month exclusive of board, lodging or other facilities.

For persons whose salaries exceed \$1083 per month, the 80% limitation does not apply if he/she regularly directs the work of at least two other employees and the primary duty is management of a recognized department or subdivision.

"EXECUTIVE HEAD EXEMPTION" – Executive heads of major academic or administrative divisions are analogous in the hierarchy to vice presidents, deans and chairmen. Directors may be executive heads as determined by the higher education personnel board. An executive head is in charge of a separate budget unit and directs subordinates.

"EXEMPT POSITION" – A position properly designated as exempt from the application of these rules as provided in WAC 251-04-040. (Also see separate definitions of "administrative assistant exemption," "executive head exemption," "research exemption," "counseling exemption," "extension and/or continuing education exemption," "graphic arts or publication exemption," and "principal assistant exemption.")

"EXTENSION AND/OR CONTINUING EDUCATION EXEMPTION" – Individuals considered exempt in this category are responsible for originating and developing formal education programs for the general public, usually involving close contact with faculty and staff or training or consulting with specific groups in the community to enable them to provide specialized training and/or services to the community.

"FINAL EXAMINATION SCORE" – An applicant's final passing score on an examination, plus any veterans preference or other applicable credits added in accordance with WAC 251-18-130(~~(, -251-18-180-(6))~~) and/or (~~((8)(b))~~) 251-18-180 (10)(b).

"FRINGE BENEFITS" – As used in the conduct of salary surveys, the term shall include but not be limited to compensation for leave time, including vacation, civil, and personal leave; employer retirement contributions; health insurance payments, including life, accident, and health insurance, workmen's compensation, and sick leave; and stock options, bonuses, and purchase discounts where appropriate.

"FULL-TIME EMPLOYMENT" – Work consisting of forty hours per week.

"GRAPHIC ARTS OR PUBLICATION EXEMPTION" – Individuals qualifying for exemption under this category will be involved in performing selected graphic arts or publication activities requiring prescribed academic preparation or special training. Positions of this type are those which use special visual techniques, require original design and layout and/or can be distinguished from positions associated with the standard editorial functions.

"GRIEVANCE" – A dispute filed in accordance with a grievance procedure of a signed collective bargaining agreement.

"HANDICAPPED PERSON" – Any person with physical, mental or sensory impairments that would impede that individual in obtaining and maintaining permanent employment and promotional opportunities. The impairments must be material rather than slight, static and permanent in that they are seldom fully corrected by medical replacement, therapy, or surgical means.

"HEARING EXAMINER" – An individual appointed by the board to preside over, conduct and make recommended decisions including findings of fact and conclusions of law in all cases of employee appeals to the board.

"INSTITUTIONAL EXAMINATION" – An examination developed to meet unique requirements of a single institution.

"INSTITUTIONS OF HIGHER EDUCATION" – The University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges. For purposes of application of these rules, the term shall be considered to include the various related boards as defined in this section, unless specifically indicated to the contrary.

"JOB ANALYSIS" – Any systematic procedure for gathering, documenting and analyzing information about the job content and requirements for a class or position in a class.

"JOB CATEGORIES" – Those groupings required in equal employment opportunity reports to federal agencies.

"JOB GROUP" – For affirmative action goal-setting purposes, a group of jobs having similar content, wage rates and opportunities. An EEO job category may consist of one or more job groups.

"LATERAL MOVEMENT" – Appointment of an employee to a position in another class which has the same salary range maximum as the employee's current class.

"LAYOFF" – Any of the following management initiated actions caused by lack of funds or lack of work:

- (1) Separation from service to an institution;
- (2) Separation from service within a class;
- (3) Reduction in the work year; and/or
- (4) Reduction in the number of work hours.

"LAYOFF SENIORITY" – The total amount of service an employee earns as a result of unbroken classified employment and statutory allowance.

"LAYOFF UNIT" – A clearly identified structure within an institution, which is approved by the director, and within which employment/layoff options are determined in accordance with the reduction in force procedure.

"LEAD" – An employee who performs the same duties as other employees in his/her work group and in addition regularly assigns, instructs and checks the work of the employees.

"NONCOMPETITIVE SERVICE" – All positions in the classified service for which a competitive examination is not required.

"ORGANIZATIONAL UNIT" – A clearly identified structure, or substructure of persons employed to achieve a common goal or function under the direction of a single official. An organizational unit may consist of either an administrative entity or a geographically separated activity.

"PART-TIME EMPLOYMENT" – Work of twenty or more hours per week but less than full time employment with an understanding of continuing employment for six months or more.

"PERIODIC INCREMENT DATE" – ("P.I.D.") – The date upon which an employee is scheduled to move to a higher salary step within the range for his/her current class.

"PERMANENT EMPLOYEE" – An employee who has successfully completed a probationary period at the institution within the current period of employment or trial service period resulting from promotion, transfer, lateral movement, or voluntary demotion from another institution, related board or state agency.

"PERSONNEL OFFICER" – The principal employee in each institution/related board responsible for administrative and technical personnel activities of the classified service.

"P.I.D." – Commonly used abbreviation for periodic increment date.

"POSITION" – A set of duties and responsibilities normally utilizing the full or part time employment of one employee.

"PRINCIPAL ASSISTANT EXEMPTION" – Individuals qualifying for exemption under this category function as second-in-command in importance levels. The individual may perform many of the functions of his/her superior in the superior's absence, or alternatively may have major administrative or program responsibilities. Reporting relationships will not be below that of the executive head. In some institutions an executive head may have more than one principal assistant as determined by the higher education personnel board.

"PROBATIONARY PERIOD" – The initial six-month period of employment in a class following appointment from an eligible list of a nonpermanent employee. However, upon prior approval by the board, the probationary period for selected classes may be established for a period in excess of six months but not to exceed twelve months.

"PROBATIONARY REAPPOINTMENT" – Appointment of a probationary employee from an eligible list to a position in a different class.

"PROFESSIONAL EMPLOYEES" – Personnel whose responsibilities require them to spend at least 80% of their work hours as follows:

(1) Primary duty must involve work that requires knowledge of an advanced type in a field of science or learning, customarily obtained by a prolonged course of specialized instruction and study or work that is original and creative in character in a recognized field of artistic endeavor and the result of which depends primarily on invention, imagination, or talent; and

(2) Must consistently exercise discretion and judgment; and

(3) Must do work that is predominantly intellectual and varied, as distinguished from routine or mechanical duties; and

(4) Must be paid at a rate of at least \$737 per month exclusive of board, lodging or other facilities.

For persons whose salaries exceed \$1083 per month, the 80% limitation does not apply if the primary duty consists of work requiring knowledge of an advanced type in a field of science or learning which requires consistent exercise of discretion and judgment.

"PROMOTION" – The appointment as a result of recruitment, examination and certification, of a permanent employee to a position in another class having a higher salary range maximum.

"PROVISIONAL APPOINTMENT" – Appointment made prior to establishment of an eligible list, per the provisions of WAC 251-18-300. A person so appointed is required to apply through the competitive process to be considered for the position on a permanent basis.

"PUBLIC RECORDS" – Any writing containing information relating to 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.

"RATING FACTOR" – An element, duty, responsibility, skill, ability, or other specific aspect of performance which is rated as part of the annual performance evaluation.

"RATING GUIDE" – A written document which outlines the way in which ratings are assigned to applicants' experience, training, or other qualifications on each job element in an examination. It specifies the range of ratings to be given for each job element and gives examples of the experience, training, or other qualifications that will be used to assign ratings.

"REALLOCATION" – The assignment of a position by the personnel officer to a different class.

"REASSIGNMENT" – A management initiated movement of a classified employee from one position to another in the same class.

"RELATED BOARDS" – The state board for community college education, the council for postsecondary education, the higher education personnel board, and such other boards, councils and commissions related to higher education as may be established. For purposes of application of these rules, the term "institution" shall be considered to include these related boards, unless specifically indicated to the contrary.

"RESEARCH EXEMPTION" – Individuals in research-exempt positions spend the majority of their time in one or more of the following activities: Identification and definition of research problems, design of approaches or hypotheses and methodology to be used, design of specific phases of research projects, analysis of results, development of conclusion and hypothesis, presentation of research results in publishable form.

"RESIGNATION" – A voluntary termination of employment.

"REVERSION" – The return of a permanent employee from trial service to the most recent class in which permanent status was achieved at the institution.

"SPECIFIC POSITION ELEMENTS" – Knowledges, skills, and abilities which a job analysis indicates to be significant for performing the duties of a specific position in a class but which are not significant for the class in general.

"SPECIFIC POSITION REQUIREMENTS" – Specific position elements which are essential job elements.

"SUPERVISOR" – Any individual having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other employees, or responsibility to direct them or adjust their grievances, or effectively to recommend

such action if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

"SUSPENSION" – An enforced absence without pay for disciplinary purposes.

"SYSTEM EXAMINATION" – An examination developed to meet the requirements of all institutions in the HEPB system and approved by the director for use by all such institutions.

"TEMPORARY APPOINTMENT" –

(1) Work performed in the absence of an employee on leave for:

(a) Less than ninety consecutive calendar days (WAC 251-18-350(4));

(b) Ninety or more consecutive calendar days (WAC 251-18-350(2)); or

(2) Formal assignment of the duties and responsibilities of a higher level class for a period of less than ninety consecutive calendar days; or

(3) Performance of extra work required at a work load peak, a special project, or a cyclic work load which does not exceed one hundred seventy-nine consecutive calendar days.

"TRAINING" – Formal and systematic learning activities intended to provide employees with the knowledge and skills necessary to become proficient or qualified in a particular field.

"TRANSFER" – An employee initiated change from one classified position to another in the same class without a break in service.

"TRIAL SERVICE" – The initial period of employment following promotion, transfer, demotion, or lateral movement into a class in which the employee has not held permanent status at the institution or related board, beginning with the effective date of the change and continuing for six months, unless interrupted as provided in these rules or extended as provided in WAC 251-18-330(6).

"UNDERUTILIZATION" – Having fewer minorities, women, or handicapped persons in a particular job group than would reasonably be expected by their availability.

"UNION SHOP" – A union membership provision which, as a condition of employment, requires all employees within a bargaining unit to become members of an employee organization.

"UNION SHOP REPRESENTATIVE" – An employee organization which is the exclusive representative of a bargaining unit that has been certified by the director as the union shop representative following an election wherein a majority of employees in the bargaining unit voted in favor of requiring membership in the employee organization as a condition of employment.

"UNION SHOP REPRESENTATION FEE" – Employees who are granted a nonassociation right based on religious tenets or teachings of a church or religious body of which they are members, must pay a representation fee to the union shop representative. Such fee is equivalent to the regular dues of the employee organization minus any monthly premiums for union sponsored insurance programs.

"WRITING" – Handwriting, typewriting, printing, photostating, photographing and every other means of recording any form of communication or representation including letters, words, pictures, sounds; or symbols or combination thereof and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

AMENDATORY SECTION (Amending Order 134, filed 7/31/85, effective 9/1/85)

✓ WAC 251-18-041 APPLICATION MATERIALS—DISTRIBUTION TO APPLICANTS. The following materials shall be provided to job applicants when they apply for a specific recruitment:

(1) The institution's application form as prescribed in WAC 251-18-070(1).

(2) The institution's examination information for job applicants document which explains the HEPB job element examination system and the examination process at that institution.

(3) ((Either)) (a) The supplemental application for the class or position when it is the screening phase of the examination or (b) a brief ((description)) statement of the examination elements for the class or position if the screening phase of the examination is not a supplemental application.

AMENDATORY SECTION (Amending Order 119, filed 7/31/84)

✓ WAC 251-18-180 ELIGIBLE LISTS—DEFINITION—COMPOSITION. Eligible lists shall be established by class as follows:

(1) Institution-wide layoff lists shall contain the names of:

(a) All permanent and probationary employees of the institution laid off or scheduled for layoff in accord with WAC 251-10-030 and 251-10-055 ranked in order of layoff seniority.

(b) Former permanent employees of the institution who (i) have transferred, promoted, voluntarily demoted or laterally moved to positions at other institutions/related boards, and (ii) have not successfully completed their trial service periods at the institution to which they moved, ranked in order of layoff seniority.

(2) Organizational unit promotional lists shall contain the names of all permanent employees of the organizational unit for which the list is established who have passed the examination for the class, ranked in order of their final examination scores.

(3) Institution-wide promotional lists shall contain the names of all permanent employees of the institution who have passed the examination for the class, ranked in order of their final examination scores.

(4) Special employment program layoff lists shall contain the names of permanent employees of the institution laid off, scheduled for layoff or removed from service within a class due to layoff conditions in special employment programs as provided in WAC 251-10-035 ranked in order of layoff seniority.

(5) State-wide layoff lists shall contain the names of permanent employees laid off or scheduled for layoff

who have exercised their option per WAC 251-10-060, ranked in order of layoff seniority as provided in WAC 251-10-060(2).

(6) Interinstitutional employee lists shall contain the names of permanent employees of an institution or related board other than the one at which he/she is applying, who have passed the examination for the class, ranked in order of their final examination scores.

(7) Intersystem employee lists shall contain the names of permanent employees under the jurisdiction of chapter 41.06 RCW who have passed the examination for the class, ranked in order of their final examination scores.

(8) Open competitive lists shall contain the names of all other applicants who have passed the examination for the class, ranked in order of their final examination scores.

(9) Noncompetitive lists shall be established per WAC 251-18-015 and shall contain the names of applicants who meet the minimum qualifications and have passed the noncompetitive examination, if any, for the class, ranked by priority in time of filing application.

(10) For positions which meet the HEPB definitions of administrative, executive or professional employees, the personnel officer may combine the organizational unit promotional list, the institution-wide promotional list, the special employment program layoff list, the interinstitutional employee list, the intersystem employee list, the state-wide layoff list, and the open competitive list into a single eligible list:

(a) The combined list option must be specified in the recruitment notice for a class in order for the personnel officer to combine lists for positions in the class;

(b) The combined list shall contain the names of eligibles ranked in order of their final examination scores. Permanent employees of the institution shall have a five percent credit added to their final passing scores.

WSR 86-03-082

PROPOSED RULES

BOARD OF CHIROPRACTIC EXAMINERS

[Filed January 22, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Chiropractic Examiners intends to adopt, amend, or repeal rules concerning:

New	WAC 114-12-115	Examination appeal procedure.
New	WAC 114-12-155	Board approved continuing education subject matter.
New	WAC 114-12-165	Prior approval not required;

that the agency will at 9:30 a.m., Thursday, February 27, 1986, in the Vance Airport Inn, Olympic Room, 18220 Pacific Highway South, Seattle, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 18.25.017.

The specific statute these rules are intended to implement is RCW 18.25.030 for WAC 114-12-115; and

RCW 18.25.070 for WAC 114-12-115 and 114-12-165.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before February 21, 1986.

Dated: January 22, 1986

By: John H. Keith
Assistant Attorney General
Board Counsel

STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Chiropractic Examiners.

Rule Title and Purpose: WAC 114-12-115 Examination appeal procedure; 114-12-155 Board approved continuing education subject matter; and 114-12-165 Prior approval not required (Re: Continuing chiropractic education).

Statutory Authority: RCW 18.25.017.

Rule Summary and Reason Proposed: WAC 114-12-115 would establish procedures for informal and formal appeals of examination failures. The establishment of these procedures will assist candidates in obtaining a review of failed examinations; 114-12-155 describes acceptable subject matter for continuing chiropractic education for licensure renewal; and 114-12-165 provides that prior approval of continuing chiropractic education is not required and explains the board's standards for determining acceptable education and the random audit procedures that will be used to determine compliance. These procedures would simplify the continuing education process for board staff.

Responsible Departmental Personnel: In addition to the Board of Chiropractic Examiners, the following Department of Licensing personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Delores Spice, Executive Secretary, Chiropractic Examining Board, 1300 Quince Street S.E., Olympia, Washington 98504, phone (206) 235-1931 scan, (206) 754-1931 comm.

Proponents: The subject matter of this rule hearing has been proposed by the Board of Chiropractic Examiners.

Small Business Economic Impact Statement: Not required since these rules do not impact small businesses as that term was defined by RCW 43.31.920.

NEW SECTION

WAC 114-12-155 BOARD APPROVED CONTINUING EDUCATION SUBJECT MATTER. (1) Licensed chiropractors will be responsible for obtaining 25 hours of Board approved continuing education over the preceding three year period to be submitted with annual renewal of their license.

(2) The board approves the following subject material for continuing chiropractic education credit:

- (a) diagnosis and treatment of the spine or immediate articulations within the scope of practice;
- (b) x-ray/roentgenology;
- (c) adjustive technique;
- (d) detection of a subluxation;
- (e) physical examination;
- (f) hygiene;
- (g) symptomatology;
- (h) neurology;
- (i) spinal pathology;

- (j) spinal orthopedics;
 - (k) patient/case management
 - (l) impairment within the scope of practice;
 - (m) CPR - once every three years; and,
 - (n) material directly relating to the clinical practice of chiropractic.
- (3) Subject matter not approved for continuing education credit:
- (a) business management;
 - (b) subject matter not directly relating to the chiropractic clinical scope of practice;
 - (c) practice building; and,
 - (d) conduct prohibited by Washington state statutes or rules governing chiropractic practice.

NEW SECTION

WAC 114-12-165 PRIOR APPROVAL NOT REQUIRED. (1) It will be unnecessary for a chiropractor to inquire into the prior approval of any continuing chiropractic education. The board will accept any continuing chiropractic education that reasonably falls within these regulations and relies upon each individual chiropractor's integrity in complying with this requirement.

(2) Continuing chiropractic education program sponsors need not apply for nor expect to receive prior board approval for a formal continuing chiropractic education program. The number of creditable hours may be determined by counting the contact hours of instruction and rounding to the nearest quarter hour. The board relies upon the integrity of program sponsors to present continuing chiropractic education that constitutes a meritorious learning experience and complies with RCW 18.25.070.

(3) The board will conduct a random compliance audit of renewal applicants. If the board determines that the applicant has not obtained continuing chiropractic education that reasonably falls with the subject matter defined in WAC 114-12-155 and the guidelines for symposium approval in WAC 114-12-160, then the application for renewal will be denied.

NEW SECTION

WAC 114-12-115 EXAMINATION APPEAL PROCEDURES.

(1) Any candidate who takes the state examination for licensure and does not pass may request informal review by the board of his or her examination results. This request must be in writing and must be received by the board within thirty (30) days of receipt of notification of the examination results. The board will not set aside its prior determination unless the candidate proves the challenged score was the result of fraud, coercion, arbitrariness or manifest unfairness by the board. The board will not consider any challenges to examination scores unless the total revised score could result in issuance of a license.

(2) The procedure for filing an informal review is as follows:

(a) Contact the Olympia board office for an appointment to appear personally to review incorrect answers on failed examinations.

(b) Candidate will be provided a form to complete in the Olympia board office in defense of examination answers.

(c) The candidate must state the specific reason or reasons why the candidate feels the results of the examination should be changed.

(d) Candidate will be identified only by candidate number for the purpose of this review. Letters of reference or requests for special consideration will not be read or considered by the board.

(e) Candidates may not bring in notes or texts for use while completing the informal review form.

(f) Candidates will not be allowed to take any notes or materials from the office upon leaving.

(g) The board will schedule a closed session meeting to review the exams and forms completed by the candidate for the purpose of informal review.

(h) The candidates will be notified in writing of the results.

(4) Any candidate who is not satisfied with the result of the examination review may request a formal hearing to be held before the board pursuant to the administrative procedure act. Such hearing must be requested within thirty (30) days of receipt of the result of the board's review of the examination results. The request must state the specific reason or reasons why the candidate feels the results of the examination should be changed. The board will not set aside its prior determination unless the candidate proves the challenged score was the result of fraud, coercion, arbitrariness or manifest unfairness by the board. The board will not consider any challenges to examination scores unless the total revised score could result in issuance of a license.

(5) The hearing will not be scheduled until after the candidate and the state's attorney have appeared before the board or an administrative law judge for a prehearing conference to consider the following:

- (a) the simplification of issues;
- (b) the necessity of amendments to the notice of specific reasons for examination result change;
- (c) the possibility of obtaining stipulations, admissions of fact and documents;
- (d) the limitation of the number of expert witnesses;
- (e) a schedule for completion of all discovery; and,
- (f) such other matters as may aid in the disposition of the proceeding.

(6) The board or the administrative law judge shall enter an order which recites the action taken at the conference, the amendments allowed to the pleadings and the agreements made by the parties or their qualified representatives as to any of the matters considered, including the settlement or simplification of issues, and which limits the issues for hearing to those not disposed of by admissions or agreements; and such order shall control the subsequent course of the proceeding unless modified for good cause by subsequent order of the board.

(7) Formal appeal candidates applicants will receive at least twenty (20) days notice of the time and place of the formal hearing. The hearing will be restricted to the specific reasons the candidate has identified as the basis for a change in the examination score.

WSR 86-03-083
PROPOSED RULES
DEPARTMENT OF LICENSING
 [Filed January 22, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Licensing intends to adopt, amend, or repeal rules concerning adding new sections WAC 308-104-105, 308-102-265, 308-104-012 and 308-104-135; amending WAC 308-102-090, 308-102-100, 308-102-190, 308-102-200, 308-104-056, 308-104-080, 308-104-090, 308-104-100, 308-104-130 and 308-104-160; and repealing WAC 308-104-058;

that the agency will at 10:00 a.m., Tuesday, February 25, 1986, in the 2nd Floor Conference Room, Highways-Licenses Building, Olympia, Washington 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 46.01.110.

The specific statute these rules are intended to implement is chapters 46.29 and 46.20 RCW and RCW 46.20.305, 46.20.270, 46.20.311, 46.20.391, 46.61.519 and 46.65.020.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before February 25, 1986.

Dated: January 22, 1986
 By: Theresa Anna Aragon
 Director

STATEMENT OF PURPOSE

Name of Agency: Washington State Department of Licensing.

Description of Rules: Amendatory section WAC 308-102-090, Agreements for payment of damages—Default notice; amendatory section WAC 308-102-100, Request for document review of interview; amendatory section

WAC 308-102-190, Document review or interview decision; amendatory section WAC 308-102-200, Request for formal hearing; new section WAC 308-102-265, Financial responsibility hearing—Failure to appear; new section WAC 308-104-012, Definition of examination; amendatory section WAC 308-104-056, Convictions: Revocation and suspension terms; amendatory section WAC 308-104-080, Reinstatement fee—When required; amendatory section WAC 308-104-090, Reinstatement fee—Where paid and accepted; amendatory section WAC 308-104-100, Occupational licenses: Persons eligible; new section WAC 308-104-105, Occupational license denial hearings; amendatory section WAC 308-104-130, Convictions—Driving records; new section WAC 308-104-135, Open container law infractions—Placement on driving records; amendatory section WAC 308-104-160, Nonmoving violation defined; and repealing WAC 308-104-058, Convictions—Court recommendations.

Statutory Authority: RCW 46.01.110 and 46.20.391.

Summary of the Rules: WAC 308-102-090 revises the time during which the Department of Licensing shall accept a notice of default on a payment agreement implemented pursuant to chapter 46.29 RCW, the financial responsibility law; 308-102-100 provides that if a licensee fails to appear at a financial responsibility law interview, said licensee waives his or her right to further administrative remedies under the financial responsibility law; 308-102-190 provides that a decision of the Department of Licensing following an interview shall be sent to the licensee via first class mail; 308-102-200 provides that a request for an interview must be post-marked within fifteen days following the mailing of an interview request form by the department; 308-102-265 provides that if neither the licensee nor the person(s) for whose benefit security is required appears at a scheduled formal hearing, no hearing shall be held. The previous order of the department setting security becomes the department's final order; 308-104-012 defines the kinds of examinations mentioned in RCW 46.20.305; 308-104-056 revises the effective date on which the department suspends or revokes a driver's license following a conviction for which suspension or revocation of a license is mandatory; 308-104-080 adds an additional situation where a person is not required to pay a reinstatement fee following suspension of a driver's license; 308-104-090 simplifies the procedure for paying the applicable reinstatement fee; 308-104-100 changes eligibility for occupational driver's licenses to conform to statutory change to the offenses now known as vehicular assault and vehicular homicide; 308-104-105 outlines the procedure for hearings to be held when the department denies the request for an occupational driver's license; 308-104-130 makes only a minor change in when a guilty plea will be removed from an individual's driving record; 308-104-135 provides under which circumstances the department will place an open container law infraction on an individual's driving record; 308-104-160 changes the department's definition of nonmoving violation to conform with a change in the statutory definition; and 308-104-058 is repealed by the Department of Licensing.

Responsible Personnel: The Washington State Department of Licensing and its director have the responsibility for drafting, implementing and enforcing these rules. The director of the Department of Licensing is Theresa Anna Aragon, Department of Licensing, Highways-Licenses Building, Olympia, WA 98504, mailstop PB-01, phone 753-5029 or scan 234-5029.

Federal Law or Federal or State Court Requirements: The proposed rules and amendments to existing rules are not necessitated as the result of federal or state court action.

Proponents: Washington State Department of Licensing.

Small Business Economic Impact Statement: Not required and has not been filed since these rules do not impact small business as that term is defined by RCW 19.85.040.

NEW SECTION

WAC 308-104-105 OCCUPATIONAL LICENSE DENIAL HEARINGS. (1) Upon notification by the department that an occupational driver's license has been denied under RCW 46.20.391 the aggrieved person may request a formal hearing to contest the department's decision. Such request must be submitted in writing.

(2) Within ten days of receipt of a request for a hearing, the department shall notify the requestor in writing of the time and location of the hearing. The hearing may be held either in the person's county of residence or in any county adjoining the person's county of residence.

(3) The hearing shall be conducted by a referee appointed by the director. The director may delegate to such referee the authority to render final decisions.

(4) The scope of the hearing shall be limited to the following issues:

(a) Whether the person had a valid Washington license on date of conviction.

(b) Whether the suspension or revocation giving rise to the application for an occupational driver's license was based upon one of the following offenses: Driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor, reckless driving, racing, eluding a police vehicle, hit and run, or driving while suspended or revoked.

(c) Whether the person has been convicted of any of the offenses listed in (b) of this subsection within the one year immediately preceding the conviction for which the occupational license is requested.

(d) Whether the person has been convicted of driving or being in physical control of a vehicle while under the influence of intoxicating liquor, or vehicular assault or vehicular homicide, within the five years immediately preceding the conviction for which the occupational license is requested.

(e) Whether the person is currently suspended or revoked for any reason other than the offense for which the occupational driver's license is requested.

(f) Whether the person is engaged in an occupation or trade that makes it essential that the person operate a motor vehicle. For purposes of this section, occupation or trade means being self-employed, or in the employ of another, for monetary compensation.

(5) The applicant's official driving record provided to the hearing officer by the department shall be prima facie evidence of the facts in issues contained in subsection (4)(a) through (e) of this section unless the applicant presents clear and convincing evidence to the contrary.

(6) The applicant shall have the burden of proving that he or she is engaged in an occupation or trade that makes it essential to operate a motor vehicle.

(7) In the event that the person fails to appear for the hearing, no hearing shall be held. The case shall be remanded to the department and the department's previous decision denying the occupational license shall be affirmed.

AMENDATORY SECTION (Amending Order MV-172, filed 7/16/73)

WAC 308-102-090 AGREEMENTS FOR PAYMENT OF DAMAGES—DEFAULT NOTICE. The department shall accept a

notice of default on a payment agreement that was entered in lieu of the security deposit requirements as being effective only if that notice is received within ~~((thirty days of the date of the final scheduled payment or within))~~ three years of the date ~~((that the agreement was entered, whichever comes first))~~ of the accident.

AMENDATORY SECTION (Amending Order 466-DOL, filed 12/30/77)

WAC 308-102-100 REQUEST FOR DOCUMENT REVIEW OR INTERVIEW—EFFECT, TIMELINESS. Any person, (hereinafter referred to as licensee), notified of the requirement of depositing security and suspension for failure to deposit security under the financial responsibility law, chapter 46.29 RCW, may within fifteen days of the date of the notice of suspension of his driver's license or nonresident privilege to drive request either an interview or document review before a department of licensing referee. The request may be oral or written, but if made orally, such request must be confirmed by the licensee in writing within five days following such request.

Upon receipt of a timely request for interview or document review, the order of suspension shall be stayed pending the outcome of the document review or interview.

If the licensee does not request a document review or interview within the time specified above, or fails to attend an interview at the licensee's request, said licensee shall have waived his right to any further administrative remedies, including the formal hearing, and the order of suspension shall become effective.

AMENDATORY SECTION (Amending Order MV-302, filed 3/31/75)

WAC 308-102-190 DOCUMENT REVIEW OR INTERVIEW—DECISION. Upon conclusion of a document review or interview the department referee shall make findings on the matter under consideration and shall properly submit the recommendations to the department. After a review of the referee's report and any attachments thereto together with the files and records maintained by the department pertaining to the accident in question and any documents submitted by the licensee, the department shall notify the licensee of the decision and said licensee's right to request a formal administrative hearing in writing by ~~((registered or certified))~~ first class mail sent to the last address of record. A copy of the referee's findings shall be sent to the licensee with the notice of the decision and right to a formal hearing. Upon receipt of a timely request for formal hearing the order for the deposit of security and suspension for failure to deposit security shall be stayed pending the results of the hearing.

AMENDATORY SECTION (Amending Order 466-DOL, filed 12/30/77)

WAC 308-102-200 REQUEST FOR FORMAL HEARING. Any licensee who is aggrieved by the interview or document review decision of the department may request a formal hearing on the matter. The request for formal hearing must be in writing and must be ~~((received at the office of))~~ addressed to the department of licensing and postmarked within fifteen days following the mailing of the decision of the department to the licensee. Failure to make timely request for a formal hearing to the department shall result in a waiver of the licensee's right to such hearing and the decision of the department shall become final. At the time it sends the notice of the decision, the department shall send a request for administrative hearing in substantially the following form:

REQUEST FOR ADMINISTRATIVE HEARING

Within fifteen days of this letter you may request a hearing by the department in the matter of the suspension of your driving privilege.

NEW SECTION

WAC 308-102-265 FINANCIAL RESPONSIBILITY HEARING—FAILURE TO APPEAR. In the event that neither the licensee who requested a formal hearing pursuant to chapter 308-102 WAC nor the person or persons for whose benefit the department is requiring security appears at the time and place of the scheduled hearing, no hearing shall be held. The case shall be remanded to the department, and the previous department order requiring security shall be affirmed.

NEW SECTION

WAC 308-104-012 DEFINITION OF EXAMINATION. For purposes of RCW 46.20.305 an examination required by the department for driver licensing purposes may consist of any one or combination of the following:

- (1) A medical certificate to be completed by a competent medical authority.
- (2) A vision certificate to be completed by a competent vision authority such as an optometrist or ophthalmologist.
- (3) A psychiatric evaluation by a competent authority.
- (4) An alcohol evaluation or report of progress in alcohol treatment from an approved alcohol agency.
- (5) A reexamination of knowledge and driving ability conducted by a license examiner.
- (6) A special examination of knowledge and driving ability conducted by a license examiner.

Failure to complete an examination may constitute reason for suspension of the driving privilege. Completion of an examination but dissatisfaction with the departmental action which follows that examination may be grounds for appeal of the departmental action by the affected driver. Such driver may request a formal hearing as provided in RCW 46.20.329.

AMENDATORY SECTION (Amending Order MV-222, filed 10/29/74)

WAC 308-104-056 CONVICTIONS—REVOCAION AND SUSPENSION TERMS. The department shall suspend or revoke the driver's license or nonresident driving privilege of every person who is convicted of a violation requiring such suspension or revocation, ~~((except the violation of driving while revoked,))~~ the term of which except the violation of driving while revoked, shall commence on the date of conviction: PROVIDED, That the term of such suspension or revocation shall commence ~~((thirty days from the date of conviction if said person had, on the date of such conviction, a valid driver's license which was not then surrendered to the court or, if said person shall have declared at the time of conviction his intent to petition for an occupational license and the court shall have stayed the effect of such mandatory suspension or revocation not more than thirty days. PROVIDED FURTHER, That the term of such suspension or revocation shall commence))~~ fifteen days from the date the department receives notice, if the court ~~((fails to transmit an abstract of conviction to the department within thirty days of such conviction. PROVIDED FURTHER, That the term of such suspension or revocation shall commence on the date that the department receives notice of such conviction if, at the time of the receipt of the notice, the said person's driver's license or nonresident driving privilege is suspended or revoked for any reason by past action of the department))~~ failed to secure the immediate forfeiture of the driver's license of such person or an affidavit from such person that the driver's license was lost or stolen.

AMENDATORY SECTION (Amending Order MV-172, filed 7/16/73)

WAC 308-104-080 REINSTATEMENT FEE—WHEN REQUIRED. The driver's license or nonresident's driving privilege of any person that has been suspended or revoked for any reason shall not be reinstated until such person shall pay the required reinstatement fee ~~((of ten dollars));~~ except, that such reinstatement fee shall not be required when the imposition of the suspension or revocation was invalid or void or when the suspension or revocation was imposed because the subject was incompetent to operate a vehicle due to a physical or mental disability, because the subject had failed to attend a driver improvement interview, because the subject's filing of proof of financial responsibility for the future had canceled or terminated, because the subject defaulted on an agreement to pay damages resulting from a vehicle accident, or because the subject was refused a license due to a suspension in another jurisdiction.

AMENDATORY SECTION (Amending Order MV-172, filed 7/16/73)

WAC 308-104-090 REINSTATEMENT FEE—WHERE PAID AND ACCEPTED. The reinstatement fee shall be paid by the subject and shall be accepted by the department at the driver's license examining station ~~((only at such time as he shall have complied with all other requirements for the reinstatement of his driver's license or nonresident's driving privilege; except, that the department may accept the~~

payment of the reinstatement fee)) or through its central state office at any time.

AMENDATORY SECTION (Amending Order 668 DOL, filed 1/19/82)

WAC 308-104-100 OCCUPATIONAL DRIVER'S LICENSE—PERSON ELIGIBLE. The department shall issue an occupational driver's license to any person who has had his/her driver's license suspended or revoked because of a conviction or bail forfeiture for any offense relating to motor vehicles, other than ~~((negligent))~~ vehicular assault or vehicular homicide, provided, (1) the person is eligible pursuant to the provisions of RCW 46.20.380 and 46.20.391, (2) the person had an unexpired Washington driver's license on the date of conviction for said offense, (3) the person did not have his/her resident driver's license suspended or revoked for any reason on the date of conviction for said offense, and (4) the person had not been required on the date of conviction to surrender his/her Washington driver's license to the department for failure to maintain the filing of proof of financial responsibility for the future for said offense ~~((, or (5) the person has not within a one-year period been convicted of the violation named in RCW 46.61.502 or the violation named in RCW 46.61.504 regardless of the court's recommendation pursuant to RCW 46.61.515 (5)(a)).~~

AMENDATORY SECTION (Amending Order MV 349, filed 1/28/76)

WAC 308-104-130 CONVICTIONS—DRIVING RECORDS. The department shall consider the information transmitted on the abstract of conviction as being accurate for the purposes of recording information on the defendant's driving record and initiating suspension/revocation action. The defendant shall be deemed to have been convicted of the traffic law violation(s) if any of the following appears on the abstract:

- (1) The payment of a fine.
- (2) An unvacated forfeiture of bail or collateral deposited to secure the defendant's appearance in court.
- (3) A plea of guilty by the defendant.
- (4) A finding of guilt.

For the purposes of maintaining the driving record, initiating suspension/revocation action, and requiring the filing of proof of financial responsibility, the conviction shall be deemed final if any one of the above elements is present regardless of whether the imposition of sentence is deferred or penalty suspended. The department will not amend or modify the driving record of any suspension/revocation action if the court subsequently dismisses the charge at the conclusion of a successful deferral or probation period.

The forfeiture of bail shall be conclusive evidence of a conviction unless the court vacates that forfeiture. A vacation of bail forfeiture shall be effective only if that vacation is entered within sixty days of the date of that forfeiture and the case is scheduled by the court for a hearing on the merits. Any transmittal of the vacation of a forfeiture of bail must specify that these two elements exist.

The payment of a fine on a traffic violation charge shall be conclusive evidence of a conviction unless the court subsequently reimburses the defendant for all fines, costs, and other penalties imposed.

A plea of guilty shall be conclusive evidence of the conviction unless the defendant withdraws the plea of guilty during the proceedings, the defendant appeals the judgment within ~~((ten))~~ fourteen days or the court sets aside the judgment and orders a new trial within ~~((ten))~~ fourteen days.

A finding of guilt shall be conclusive evidence of the conviction unless the court approves a motion for a new trial within ~~((ten))~~ fourteen days or the defendant appeals the conviction to a higher court within ~~((ten))~~ fourteen days of the conviction.

If a court defers a finding after hearing the evidence, the department shall not consider the defendant as having been convicted until a final disposition is entered by that court, except when the defendant entered a guilty plea which was not withdrawn, or when the court imposed a penalty or sanction which could only be imposed upon a determination that the defendant was guilty.

A reporting error by the court which materially alters the original record of a conviction for a mandatory offense must be reported to the department in writing accompanied by a copy of the docket, or other permanent court record.

NEW SECTION

WAC 308-104-135 OPEN CONTAINER LAW INFRAC-TIONS—PLACEMENT ON DRIVING RECORDS. A traffic infraction under RCW 46.61.519 (1) or (2) shall not be placed on the driving record of the person found to have committed the infraction if the department determines to its satisfaction that the person was a passenger in the vehicle at the time the notice of infraction was issued.

AMENDATORY SECTION (Amending Order 697-DOL, filed 10/7/82)

WAC 308-104-160 NONMOVING VIOLATION DEFINED. A "nonmoving violation" as used in RCW 46.65.020 shall mean any violation or traffic infraction in Title 46 RCW, other than those included in the following list:

- (1) Driving while under the influence of intoxicants or drugs
- (2) Reckless driving
- (3) Hit and run (occupied vehicle)
- (4) (~~Negligent~~) Vehicular homicide
- (5) Driving while driving privilege suspended or revoked
- (6) Eluding police vehicle
- (7) Racing
- (8) Embracing
- (9) Manslaughter
- (10) Speed too fast for conditions
- (11) Speed 1 to 14 MPH excess
- (12) Speed 15 to 29 MPH excess
- (13) Speed over 29 MPH excess
- (14) Failure to stop
- (15) Disobey road sign
- (16) Improper lane change
- (17) Improper lane travel
- (18) Prohibited turn
- (19) Unnecessary noise
- (20) Negligent driving
- (21) Wrong way on one-way street
- (22) Driving over center line
- (23) Drive wrong side of road
- (24) Straddling centerline
- (25) Failure to yield right of way
- (26) Disobey signalman
- (27) Disobey school patrol
- (28) Driving without lights
- (29) Failure to dim lights
- (30) Following too closely
- (31) Improper turn
- (32) Failure to signal or improper signal
- (33) Passing stopped school bus
- (34) Driving on shoulder or sidewalk
- (35) Violating license restriction(s)
- (36) Carrying passenger improperly
- (37) In physical control of vehicle while under the influence of alcohol or drugs
- (38) (~~Failure to use due care~~) Vehicular assault
- (39) Crossing fire hose
- (40) Carry passengers outside vehicle
- (41) Improper backing
- (42) Obstructed vision or control
- (43) Following emergency equipment
- (44) Crossing divider
- (45) Inattention
- (46) Improper mirrors
- (47) Illegal vehicle equipment
- (48) Handle bars over height
- (49) Illegal lights
- (50) Defective equipment (~~((lights, brakes, tires, steering, windshield wipers))~~)
- (51) (~~Violation, RCW 46.20.336~~) Reckless endangerment
- (52) No goggles, windshield or face shield
- (53) Improper overtaking or passing
- (54) Hit and run (unattended vehicle)
- (55) Impeding traffic
- (56) More persons than provided for on motorcycle
- (57) Operating moped on freeway
- (58) Wearing earphones/viewing TV in vehicle
- (59) Open container violation (driver)
- (60) Permitting illegal vehicle operation

(61) Violation of instruction permit.REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-104-058 CONVICTIONS—COURT RECOMMENDATIONS.

WSR 86-03-084**EMERGENCY RULES****DEPARTMENT OF LICENSING**

[Order DS 1—Filed January 22, 1986]

I, Theresa Anna Aragon, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to occupational license denial hearings, WAC 308-104-105.

I, Theresa Anna Aragon, director, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is RCW 46.20.391, which became effective on January 1, 1986, provides that ". . . A person aggrieved by the decision of the department on the application for an occupational driver's license may request a hearing as provided by rule of the department." Thus, this emergency rule is designed to implement this statute.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 46.20.391 which directs that the Department of Licensing has authority to implement the provisions of RCW 46.20.391.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 22, 1986.

By Theresa Anna Aragon
Director

NEW SECTION

WAC 308-104-105 OCCUPATIONAL LICENSE DENIAL HEARINGS. (1) Upon notification by the department that an occupational driver's license has been denied under RCW 46.20.391 the aggrieved person may request a formal hearing to contest the department's decision. Such request must be submitted in writing.

(2) Within ten days of receipt of a request for a hearing, the department shall notify the requestor in writing of the time and location of the hearing. The hearing may be held either in the person's county of residence or in any county adjoining the person's county of residence.

(3) The hearing shall be conducted by a referee appointed by the director. The director may delegate to such referee the authority to render final decisions.

(4) *The scope of the hearing shall be limited to the following issues:*

(a) *Whether the person had a valid Washington license on date of conviction.*

(b) *Whether the suspension or revocation giving rise to the application for an occupational driver's license was based upon one of the following offenses: Driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor, reckless driving, racing, eluding a police vehicle, hit and run, or driving while suspended or revoked.*

(c) *Whether the person has been convicted of any of the offenses listed in (b) of this subsection within the one year immediately preceding the conviction for which the occupational license is requested.*

(d) *Whether the person has been convicted of driving or being in physical control of a vehicle while under the influence of intoxicating liquor, or vehicular assault or vehicular homicide, within the five years immediately preceding the conviction for which the occupational license is requested.*

(e) *Whether the person is currently suspended or revoked for any reason other than the offense for which the occupational driver's license is requested.*

(f) *Whether the person is engaged in an occupation or trade that makes it essential that the person operate a motor vehicle. For purposes of this section, occupation or trade means being self-employed, or in the employ of another, for monetary compensation.*

(5) *The applicant's official driving record provided to the hearing officer by the department shall be prima facie evidence of the facts in issues contained in subsection (4)(a) through (e) of this section unless the applicant presents clear and convincing evidence to the contrary.*

(6) *The applicant shall have the burden of proving that he or she is engaged in an occupation or trade that makes it essential to operate a motor vehicle.*

(7) *In the event that the person fails to appear for the hearing, no hearing shall be held. The case shall be remanded to the department and the department's previous decision denying the occupational license shall be affirmed.*

WSR 86-03-085

WITHDRAWAL OF PROPOSED RULES UTILITIES AND TRANSPORTATION COMMISSION

[Filed January 22, 1986]

Withdrawal notice in WUTC Cause No. TV-1923, in the matter of adopting WAC 480-12-196 relating to Transportation of radioactive materials—Driving and parking rules.

This notice of withdrawal is filed pursuant to WAC 1-12-033, withdrawing the above-cited proposed rule. The rule was noticed under Notice No. WSR 85-23-024 filed November 13, 1985, and continued under Notice No. WSR 86-03-049 filed January 15, 1986. The commission, in its General Order No. R-248, dated January

22, 1986, sets forth the reason for this action. That order has been sent to all interested parties known to the commission and is available to the public upon request.

Paul Curl
Acting Secretary

WSR 86-03-086

RESCINDING PREVIOUS ORDER UTILITIES AND TRANSPORTATION COMMISSION

[Order R-248, Cause No. TV-1923—Filed January 22, 1986]

In the matter of adopting WAC 480-12-196 relating to Transportation of radioactive materials—Driving and parking rules.

On November 13, 1985, the Washington Utilities and Transportation Commission filed with the code reviser its Order No. R-245, entitled order adopting rules on an emergency basis, together with a text of WAC 480-12-196. The filing was assigned code reviser No. WSR 85-23-025. Under RCW 34.04.030, such emergency rules are effective upon filing, for a period not to exceed 90 days.

On January 8, 1986, the commission considered adoption of WAC 480-12-196 on a permanent basis, pursuant to notice of intent to adopt rules filed with the code reviser on November 13, 1985. This notice was assigned Notice No. WSR 85-23-024 and the matter was continued to January 22, 1986, under Notice No. WSR 86-03-049.

Because substantial changes have been made in the rule previously noticed, the commission has determined to rescind the rule as adopted on an emergency basis under General Order No. R-245.

ORDER

WHEREFORE, IT IS HEREBY ORDERED That Commission General Order No. R-245 filed under code reviser No. WSR 85-23-025 be and the same is hereby rescinded and the rule promulgated thereunder is repealed.

DATED at Olympia, Washington, this 22nd day of January, 1986.

Washington Utilities and Transportation Commission
Sharon L. Nelson, Chairman
Robert W. Bratton, Commissioner
Richard D. Casad, Commissioner

WSR 86-03-087

PROPOSED RULES UTILITIES AND TRANSPORTATION COMMISSION

[Filed January 22, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Utilities and Transportation Commission intends to adopt, amend, or repeal rules relating to Transportation of radioactive materials—Driving and parking rules, WAC

480-12-196. The proposed adoption is shown below as Appendix A, Cause No. TV-1937. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed adoption on economic values, pursuant to chapter 43.21H RCW and WAC 480-08-050(17).

This is notice of intention to adopt on a permanent basis rule adopted on an emergency basis on January 22, 1986. General Order No. R-254, and filed with the code reviser's office on the same date;

that the agency will at 9:00 a.m., Wednesday, March 19, 1986, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 Evergreen Park Drive South, Olympia, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 80.01.040 and 81.80.290.

The specific statute these rules are intended to implement is none.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 14, 1986.

Dated: January 22, 1986

By: Paul Curl
Acting Secretary

STATEMENT OF PURPOSE

In the matter of adopting WAC 480-12-196 relating to Transportation of radioactive materials—Driving and parking rules.

The rules proposed by the Washington Utilities and Transportation Commission are to be promulgated pursuant to RCW 80.01.040 and 81.80.290 which direct that the commission has authority to implement the provisions of chapter 81.80 RCW.

The rules proposed by the Washington Utilities and Transportation Commission are designed to require that a responsible person attend vehicles in which radioactive materials controlled as to route are being transported by common or contract carriage over the highways of this state.

Paul Curl, Acting Secretary, Second Floor, Chandler Plaza Building, 1300 Evergreen Park Drive South, Olympia, Washington, telephone number (206) 753-6420, and members of his staff were responsible for the drafting of the proposed rule and will be responsible for implementation and enforcement of the proposed rule.

The proponent of the rule is the Washington Utilities and Transportation Commission.

There are no comments or recommendations being submitted inasmuch as the proposal is pursuant to legislative authorization reflected in RCW 80.01.040 and 81.80.290.

The rule change is not necessary as the result of federal law, or federal or state court action.

The rule change proposed will affect no economic values.

This certifies that copies of this statement are on file with the commission, are available for public inspection,

and that three copies of this statement are this date being forwarded to the Joint Administrative Rules Review Committee.

APPENDIX "A"

NEW SECTION

WAC 480-12-196 TRANSPORTATION OF RADIOACTIVE MATERIALS—DRIVING AND PARKING RULES. (1) Attendance and surveillance of motor vehicles.

(a) Except as provided in (b) of this subsection, a motor vehicle containing an amount of radioactive material requiring highway route control pursuant to CFR part 173.403 must be attended at all times by its driver or a qualified representative of the motor carrier that operates it.

(b) Subdivision (a) of this subsection shall not apply if all of the following conditions exist:

(i) The vehicle is located on the property of the motor carrier, on the property of a shipper or consignee of the radioactive material, or in a safe haven; and

(ii) The lawful bailee of the radioactive material is aware of the nature of the radioactive material the vehicle contains and has been instructed in the procedures that must be followed in emergencies; and

(iii) The vehicle is within the bailee's unobstructed field of view.

(c) For purposes of this section:

(i) A motor vehicle is attended when the person in charge of the vehicle is on the vehicle, awake, and not in a sleeper berth, or is within one hundred feet of the vehicle with an unobstructed field of view;

(ii) A qualified representative of a motor carrier is a person who:

(A) Has been designated by the carrier to attend the vehicle;

(B) Is aware of the nature of the radioactive materials contained in the vehicle;

(C) Has been instructed in the procedures to be followed in emergencies; and

(D) Is authorized to move the vehicle and has the means and ability to do so.

(d) A safe haven is an area specifically approved in writing by local, state or federal government authorities for the parking of unattended vehicles containing highway route controlled quantities of radioactive material.

(e) The rules in this section do not relieve a driver from any obligation imposed by law relating to the placing of warning devices when a motor vehicle is stopped on the public street or highway.

(2) Parking. A motor vehicle which contains a placardable amount of radioactive material must not be parked:

(a) On or within five feet of the traveled portion of a public street or highway;

(b) On private property (including premises of a fueling or eating facility) without the knowledge and consent of the person who is in charge of the property and who is aware of the nature of the hazardous materials the vehicle contains; or

(c) Within three hundred feet of a bridge, tunnel, dwelling, building, or place where people work, congregate, or assemble, except for brief periods when the necessities of operation require the vehicle to be parked and make it impracticable to park the vehicle in any other place.

WSR 86-03-088

EMERGENCY RULES

**UTILITIES AND TRANSPORTATION
COMMISSION**

[Order R-254, Cause No. TV-1937—Filed January 22, 1986]

In the matter of adopting WAC 480-12-196 relating to Transportation of radioactive materials—Driving and parking rules.

The Washington Utilities and Transportation Commission finds that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on

the proposed action would be contrary to the public interest. A statement of the facts constituting such emergency is the need for special handling of route controlled traffic in the movement of radioactive products on the public highways of this state.

This rule amendment is being promulgated pursuant to RCW 80.01.040 and 81.80.290.

This rule-making proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

This adoption of WAC 480-12-196 affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-12-196 should be adopted, to read as set forth in Appendix A shown below and made a part hereof by this reference. WAC 480-12-196 as adopted, will require that a responsible person attend vehicles in which radioactive materials subject to control as to routing are being transported by common or contract carriage on the highways of this state.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-12-196 as set forth in Appendix A, be adopted, as an emergency rule of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.030 and 34.04.040(2).

IT IS FURTHER ORDERED That the order and the annexed rule, after being first recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

DATED at Olympia, Washington, this 22nd day of January, 1986.

Washington Utilities and Transportation Commission
Sharon L. Nelson, Chairman
Robert W. Bratton, Commissioner
Richard D. Casad, Commissioner

APPENDIX "A"

NEW SECTION

WAC 480-12-196 TRANSPORTATION OF RADIOACTIVE MATERIALS—DRIVING AND PARKING RULES. (1) Attendance and surveillance of motor vehicles.

(a) Except as provided in (b) of this subsection, a motor vehicle containing an amount of radioactive material requiring highway route control pursuant to CFR part 173.403 must be attended at all times by its driver or a qualified representative of the motor carrier that operates it.

(b) Subdivision (a) of this subsection shall not apply if all of the following conditions exist:

(i) The vehicle is located on the property of the motor carrier, on the property of a shipper or consignee of the radioactive material, or in a safe haven; and

(ii) The lawful bailee of the radioactive material is aware of the nature of the radioactive material the vehicle contains and has been instructed in the procedures that must be followed in emergencies; and

(iii) The vehicle is within the bailee's unobstructed field of view.

(c) For purposes of this section:

(i) A motor vehicle is attended when the person in charge of the vehicle is on the vehicle, awake, and not in a sleeper berth, or is within one hundred feet of the vehicle with an unobstructed field of view;

(ii) A qualified representative of a motor carrier is a person who:

(A) Has been designated by the carrier to attend the vehicle;

(B) Is aware of the nature of the radioactive materials contained in the vehicle;

(C) Has been instructed in the procedures to be followed in emergencies; and

(D) Is authorized to move the vehicle and has the means and ability to do so.

(d) A safe haven is an area specifically approved in writing by local, state or federal government authorities for the parking of unattended vehicles containing highway route controlled quantities of radioactive material.

(e) The rules in this section do not relieve a driver from any obligation imposed by law relating to the placing of warning devices when a motor vehicle is stopped on the public street or highway.

(2) Parking. A motor vehicle which contains a placardable amount of radioactive material must not be parked:

(a) On or within five feet of the traveled portion of a public street or highway;

(b) On private property (including premises of a fueling or eating facility) without the knowledge and consent of the person who is in charge of the property and who is aware of the nature of the hazardous materials the vehicle contains; or

(c) Within three hundred feet of a bridge, tunnel, dwelling, building, or place where people work, congregate, or assemble, except for brief periods when the necessities of operation require the vehicle to be parked and make it impracticable to park the vehicle in any other place.

WSR 86-03-089

PROPOSED RULES

DEPARTMENT OF FISHERIES

[Filed January 22, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Fisheries intends to adopt, amend, or repeal rules concerning personal use rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on February 17, 1986.

The authority under which these rules are proposed is RCW 75.08.080.

The specific statute these rules are intended to implement is RCW 75.08.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before February 8, 1986.

This notice is connected to and continues the matter in Notice No. WSR 86-02-061 filed with the code reviser's office on December 31, 1985.

Dated: January 22, 1986
By: Russell W. Cahill
for William R. Wilkerson
Director

Table of WAC Sections Affected

KEY TO TABLE

Symbols:

- AMD = Amendment of existing section
- NEW = New section not previously codified
- OBJEC = Notice of objection by Joint Administrative Rules Review Committee
- RE-AD = Re-adoption of existing section
- REP = Repeal of existing section
- REAFF = Order assuming and reaffirming rules
- REMOV = Removal of rule pursuant to RCW 34.04.050(5)
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of previously adopted rule
- STMT = Statement regarding previously adopted rule

Suffixes:

- P = Proposed action
- C = Continuance of previous proposal
- E = Emergency action
- W = Withdrawal of proposed action
- No suffix means permanent action

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits show the sequence of the document within the issue.

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16-470-100	AMD-P 86-03-075	173-301-194	REP 86-03-034	220-56-310	AMD-C 86-03-089
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16-470-300	AMD-P 86-03-075	173-301-196	REP 86-03-034	220-56-325	AMD-C 86-03-089
114-12-115	NEW-P 86-03-082	173-301-197	REP 86-03-034	220-56-330	AMD-C 86-03-089
114-12-155	NEW-P 86-03-082	173-301-300	REP 86-03-034	220-56-335	AMD-C 86-03-089
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173-301-186	REP 86-03-034	220-56-150	AMD-C 86-03-089	230-46-020	AMD-P 86-03-035
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173-301-188	REP 86-03-034	220-56-190	AMD-C 86-03-089	230-46-040	REP-P 86-03-035
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296-127-310	NEW	86-03-063	296-155-34912	AMD	86-03-074	296-155-50503	NEW-C	86-03-073
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296-155-009	NEW-C	86-03-073	296-155-34920	AMD	86-03-074	296-155-515	NEW-C	86-03-073
296-155-009	NEW	86-03-074	296-155-355	AMD-C	86-03-073	296-155-515	NEW	86-03-074
296-155-010	AMD-C	86-03-073	296-155-355	AMD	86-03-074	296-155-530	AMD-C	86-03-073
296-155-010	AMD	86-03-074	296-155-360	AMD-C	86-03-073	296-155-530	AMD	86-03-074
296-155-012	AMD-C	86-03-073	296-155-360	AMD	86-03-074	296-155-545	AMD-C	86-03-073
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296-155-100	AMD-C	86-03-073	296-155-36303	NEW	86-03-074	296-155-576	AMD-C	86-03-073
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296-155-120	AMD	86-03-074	296-155-36309	NEW-C	86-03-073	296-155-610	AMD-C	86-03-073
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296-155-130	AMD	86-03-074	296-155-36313	NEW-C	86-03-073	296-155-617	NEW-C	86-03-073
296-155-140	AMD-C	86-03-073	296-155-36313	NEW	86-03-074	296-155-617	NEW	86-03-074
296-155-140	AMD	86-03-074	296-155-36315	NEW-C	86-03-073	296-155-61701	NEW-C	86-03-073
296-155-155	AMD-C	86-03-073	296-155-36315	NEW	86-03-074	296-155-61701	NEW	86-03-074
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296-155-160	AMD	86-03-074	296-155-36319	NEW-C	86-03-073	296-155-61705	NEW-C	86-03-073
296-155-165	AMD-C	86-03-073	296-155-36319	NEW	86-03-074	296-155-61705	NEW	86-03-074
296-155-165	AMD	86-03-074	296-155-36321	NEW-C	86-03-073	296-155-61707	NEW-C	86-03-073
296-155-200	AMD-C	86-03-073	296-155-36321	NEW	86-03-074	296-155-61707	NEW	86-03-074
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